

COMMISSION MEETING  
ROLL CALL

Thursday, August 9, 1995  
Baton Rouge, LA  
Wildlife & Fisheries Building

	Attended	Absent
Perry Gisclair (Chairman)	<u>✓</u>	<u>    </u>
Glynn Carver	<u>✓</u>	<u>    </u>
Jeff Schneider	<u>✓</u>	<u>    </u>
Daniel Babin	<u>✓</u>	<u>    </u>
Joseph Cormier	<u>✓</u>	<u>    </u>
Jerald Hanchey	<u>✓</u>	<u>    </u>
Peter Vujnovich	<u>✓</u>	<u>    </u>

Mr. Chairman:

There are 7 Commissioners in attendance and we have a quorum.  
Secretary Herring is also present.

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**AUGUST 9, 1995**

**PERRY GISCLAIR  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

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Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808  
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**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**AUGUST 9, 1995**

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Wednesday, August 9, 1995

Chairman Perry Gisclair presiding.

Glynn Carver  
Peter Vujnovich  
Jerald Hanchey  
Joseph B. Cormier  
Jeff Schneider  
Daniel Babin

Secretary Joe L. Herring was also present.

Chairman Gisclair began the meeting recognizing and welcoming Commissioner Daniel Babin to the Commission. Commissioner Babin stated he was happy to be on board and hoped to get a lot accomplished.

Chairman Gisclair called for a motion for approval of the **July 6, 1995 Commission Minutes**. A motion for approval was made by Commissioner Vujnovich and seconded by Commissioner Carver. The motion passed with no opposition.

Contribution by the **Louisiana Bass Hatchery for Therapeutic Drug Certification** was made by Mr. Pat Richardson. Mr. Richardson presented a check to the Department as the state's matching fund for the Therapeutic Drug Program. The program has 32 states involved in trying to obtain approval to control parasites in fish hatcheries. Mr. Bennie Fontenot expressed appreciation on behalf of the Department for the contribution and stated the program would benefit aquaculture and hatcheries in the state. Mr. Fontenot presented to Mr. Richardson a progress report on the first year's work. Chairman Gisclair thanked Mr. Richardson on behalf of the Commission for their continued involvement.

Mr. Bill Simmons presented the **Shikar Safari Club International Agent of the Year Award**. He first explained how the Club was established in 1952 by international hunters and by 1966 a foundation was formed. The recipient for this year was Sergeant Joey Broussard of Port Barre, Louisiana. Mr. Simmons then announced the recipients of the Award for the three previous years. Chairman Gisclair thanked Mr. Simmons for making the presentation.

Commissioner Carver asked that the next item, **Removal of Aircraft Report from Agenda** be placed on the agenda. He stated the reports were placed in the folders each month and felt it was redundant to have a presentation made. He then made a motion to

remove the oral report from the agenda. Commissioner Hanchey seconded the motion. Commissioner Schneider asked if part of the motion would include the Commission receiving the reports? The motion passed with no opposition.

**Discussion and Potential Reconsideration of 1995/96 Dove Season** began with Commissioner Schneider stating he has received a lot of calls on the change in the dove season for this year voted on at the July Commission Meeting. Since all the hunting pamphlets had already gone to the printers and it was such a short notice, Commissioner Schneider felt the seasons should not be changed. Chairman Gisclair stated no action would be taken on this item.

**Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots)** began with Mr. Robert Helm reminding everyone of the dates and bag limits from the time he took his job until this year. He stated some significant changes have occurred in the last few years. Mr. Helm then introduced a video prepared by the U.S. Fish and Wildlife Service on the duck status. After the video, Mr. Helm asked Mr. Dave Morrison, the new Flyway Council representative, to present the season recommendations. Mr. Morrison stated the Mississippi Flyway Council's recommendation to the U.S. Fish and Wildlife Service was accepted almost in its entirety. The basic framework would be a 50 day duck season with a five bird bag limit. Changes from last year included an increase in the bag limit, the goose limit has been increased from seven to ten on light geese, framework on snow geese was extended to March 10, and the opportunity for a statewide Canada goose season and the Catahoula Lake zone would be maintained. At this point, Mr. Morrison explained the reasons for the turn-around in duck populations.

The following were the Wildlife Division's recommendations for the duck season: west zone - November 11 - December 3 and December 16 - January 11; east zone - November 18 - November 30 and December 16 - January 21; Catahoula Lake zone - November 18 - November 30 and December 16 - January 21. Bag limits would be 5 and may include no more than 4 mallards of which one can be a female, 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limits on coots would be 15, with the possession limit being twice the daily bag limit. The daily bag limit on mergansers was five of which one may be a hooded merganser and possession limit being twice the daily bag limit. Goose season dates were from November 11 - December 3, December 16 - January 31, February 1 - February 25. Daily bag limit would be 10 in the aggregate but no more than 2 white-fronted geese allowed. From February 1 - February 25, only blue and snow geese may be taken. Canada Goose Season would run from January 23 - January 31 with daily bag limit being 2 and not more than one can be a Canada goose and possession limit would be twice the daily bag limit. Mr. Morrison read the description for the area of Vermilion and Cameron Parishes that is closed to Canada Goose hunting. Shooting hours would be one-half hour before sunrise to sunset.

Commissioner Schneider asked why would the U.S. Fish and Wildlife Service not allow hunters to take an extra wood duck? Hearing no further comments, Mr. Morrison read the Therefore Be It Resolved portion of the Resolution. Commissioner Hanchey made a motion to accept the Resolution and was seconded by Commissioner Schneider. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

#### RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
August 9, 1995

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, August 9, 1995.

**WHEREAS,** public hearings have been held to discuss the status of waterfowl, including ducks, coots and geese in Washington, D.C., and

**WHEREAS,** the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

**WHEREAS,** rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

**WHEREAS,** the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

**WHEREAS,** it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

**THEREFORE BE IT RESOLVED,** that this Commission does hereby adopt those season dates for ducks, coots and geese which are attached and made part of this Resolution, subject to the following stipulations:

(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency and preparation of reports and correspondence to other agencies of government; and



(2) If significant changes occur as a result of changes in the framework established by the U.S. Fish and Wildlife Service or for other reasons, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon the recommendations of Department staff, supported by biological and technical data.

**BE IT FURTHER RESOLVED**, that these dates will be forwarded to the U.S. Fish and Wildlife Service as regulations set for Louisiana's 1995-96 Migratory Bird Hunting Regulations.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

Commissioner Carver stated he put the **Shrimp Mesh Law Discussion** on the agenda at the request of Representative Randy Roach. Commercial fishermen buying 1 1/2 inch mesh nets for use to shrimp became undersized when nets were coated and he felt there should be a tolerance allowed after the nets were coated. Chairman Gisclair asked Secretary Herring if he had received any phone calls on this item? Secretary Herring stated a call was received from Representative Roach, Senator Nunez and two other people. Mr. Brandt Savoie explained the law was passed two years ago after a bill was introduced by the Governor's Shrimp Task Force to the legislature. The bill gave the fishermen a two year lag to allow them the chance to get the correct sized nets. Mr. Savoie reminded the Commissioners the count size would go off in October and the shrimpers could harvest any size shrimp then. Chairman Gisclair asked what was the penalty for breaking the law? Mr. Savoie stated it was a \$500 fine with seizure of equipment, class 3 violation. Commissioner Carver asked if there would be any measurable biological affect? Commissioner Cormier asked Lt. Col. Charlie Clark to explain the enforcement aspect of this law. Lt. Col. Clark stated this was not the first time for the 1 1/2 inch law and they enforce the count law as hard as they do any law. Commissioner Cormier then asked if, when the law was enforced, was there any leeway? Chairman Gisclair asked if there was a size restriction on the outer cover webbing and would the structure of the TED's have to be recovered with 1 1/2 inch webbing? Commissioner Babin asked about the enforcement of the law on boats that shrimp both outside and inside waters? Then he stated a concern he has heard was how one District Attorney in one parish would treat the law differently from another District Attorney on the stretch of the net. Mr. Don Puckett stated he received a copy of an Attorney General's opinion requested by Representative Roach. The opinion stated the legislature "did not provide any tolerance for the measurement of mesh on shrimp nets" and that the Commission can not adopt a rule allowing the use of shrimp nets with a mesh size less than 1 1/2 inch. Mr. Puckett concurred with the opinion

in that the Commission did not have the authority to regulate gear or to waive the statutory mesh size.

Mr. Bill Dekemel, President of the East Bank Commercial Fisherman's Association, stated there was miscommunication on what the bill was really going to do. The fishermen were of the opinion the body of the net was to be 1 1/2 inch mesh. Mr. Dekemel explained how the fishermen had a problem with complying with 1 1/2 inch extensions and tails along with the use of TED's. This law would prove to be another shrimp loss for the fishermen. He then asked if there could be any leniency in enforcing the law or just not enforce the law? Mr. Dekemel concluded the net does not shrink just when dipped, it shrinks when it is hanging and sitting in the sun for four or five months at a time.

Mr. Pete Gericca, Lake Pontchartrain Fisherman's Association, stated his problem was there was not one enforcement agent certified to gauge webbing. He stated that each time he measured the webbing on nets he made, there would be 1 1/4 to 1 1/2 inch difference on each run of webbing. He then requested the agents use aluminum net gauges and also have a 1/4 inch tolerance on a six mesh or eight mesh run.

Chairman Gisclair stated the law is the law, but the agents were willing to work with the fishermen on a case by case basis and hoped tolerances would be allowed in certain situations. He also reminded everyone that Mr. Puckett had stated what the Commission could or could not do about the law. Commissioner Cormier stated there would be Senior Agents out in the field and they would be assisting the new agents and making sure violations could be prosecuted. Commissioner Babin asked for consistency throughout the state when it came to enforcing the laws.

A Declaration of Emergency for Setting 1995 Fall Inshore Shrimp Season was the next item for discussion. Mr. Brandt Savoie stated, based on historical data and data collected thus far, there was no reason not to open the 1995 fall shrimp season on the third Monday in August as has been a tradition. The third Monday in August this year would be August 21 and this was the staff's recommendation to the Commission. Commissioner Schneider asked if the Commission was okay on the Declaration of Emergency issue? Mr. Savoie stated shrimp seasons were exempt from Notice of Intent and could be set by emergency rule. Hearing no public comments, Mr. Savoie read the Resolution. Commissioner Babin made a motion to accept the Resolution and was seconded by Commissioner Vujnovich. The motion passed with no opposition. Chairman Gisclair asked for an update on the shrimping. Mr. Savoie stated all of the data was not available yet but the 1995 spring season was probably one of the best seasons in the last five years. Early migration of white shrimp was seen in the central part of the state and recruitment is still being seen now. East of the Mississippi River and the area in Zone 3 saw recruitment a little later but was still on schedule.

It was anticipated there would be a good white shrimp season. Chairman Gisclair asked if there has been any effect on the shrimp from the high tides experienced along the coast?

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

1995 Fall Inshore Shrimp Season  
adopted by the  
Louisiana Wildlife and Fisheries Commission

**WHEREAS,** R.S. 56:497 authorizes the Wildlife and Fisheries Commission to set no less than two shrimp seasons each calendar year for all inside waters by zone, and

**WHEREAS,** R.S. 56:497 states the shrimp seasons shall be based on biological and technical data which indicates that marketable shrimp are available, and

**WHEREAS,** R.S. 56:498 provides the minimum legal count on white shrimp is 100 (whole shrimp) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

**WHEREAS,** historically the Fall Inshore "White" Shrimp Season opened on the third Monday in August, and

**WHEREAS,** historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in all inshore shrimp zones will average 100 count minimum size or larger by mid August, and

**WHEREAS,** in 1995 the third Monday in August will be August 21.

**NOW THEREFORE BE IT RESOLVED,** the Wildlife and Fisheries Commission does hereby set the 1995 Fall Inshore "White" Shrimp Season by public notice in accordance with R.S. 56:497, to open statewide at official sunrise Monday, August 21, 1995.

**BE IT FURTHER RESOLVED,** the Wildlife and Fisheries Commission does hereby set the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday, December 17, 1995 and grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

**BE IT FURTHER RESOLVED**, a Declaration of Emergency setting the 1995 Fall Inshore "White" Shrimp Season is attached to and made a part of this resolution.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

**DECLARATION OF EMERGENCY**

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters, the Wildlife and Fisheries Commission does hereby set the 1995 Fall Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line westward to the eastern shore of South Pass of the Mississippi River, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, and

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line,

all to open at official sunrise Monday, August 21, 1995.

The Commission also hereby sets the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday, December 17, 1995 and grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

Perry Gisclair  
Chairman

A Declaration of Emergency for Setting 1995-96 Oyster Season was handled by Mr. Phil Bowman. The Department has finished assessing the oyster population on the public seed grounds and used this information as a basis for the recommendations for the 1995-96

season. Mr. Bowman read the Therefore Be It Resolved portion of the Resolution. Chairman Gisclair asked for public comments and none were heard. Commissioner Vujnovich stated some shell was planted last year in Hackberry Bay and the oysters may be too small this year for harvesting, but with the Secretary having the authority to close an area, he may ask that Hackberry be closed after visiting the area opening day. Then he made a motion to adopt the Resolution and was seconded by Commissioner Hanchey. This motion passed unanimously.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

1995/96 Season on the Public Oyster Grounds  
Adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1995 is September 6, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" have been surveyed and the available supply and size variation has been determined, and
- WHEREAS,** it has been a managerial practice to rotate the opening of the season on some of the "Oyster Seed Reservations" when biologically feasible, and
- WHEREAS,** several sites have been utilized to deposit cultch material as a subsurface to attract oyster larvae and the areas are normally closed to dredging one year, and
- WHEREAS,** Act #46 of the 1992 Legislative Session changed R.S. 56:433B to mandate a sacking area only on the Public Grounds east of the Mississippi River inclusive of Plaquemines and St. Bernard Parishes.
- THEREFORE BE IT RESOLVED,** that the "Louisiana Public Oyster Seed Grounds" not currently under lease and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995, and
- BE IT FURTHER RESOLVED,** that the "Bay Junope Oyster Seed Reservations" will remain closed during the 1995/96 oyster season, and

**BE IT FURTHER RESOLVED**, that the sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet.

**BE IT FURTHER RESOLVED**, that those properly marked areas where shell was deposited for oyster cultch in the Sister Lake Oyster Seed Reservation will be closed to oyster dredging for the 1995/96 oyster season, and

**BE IT FURTHER RESOLVED**, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or to close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

**BE IT FURTHER RESOLVED**, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended, and

**BE IT FURTHER RESOLVED**, that the season for Calcasieu and Sabine Lake tonging areas will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days, and

**BE IT FURTHER RESOLVED**, notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:433 and R.S. 56:435.1, notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The Public Oyster Seed Grounds not currently under lease and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995.

2. The Bay Junope Oyster Seed Reservations will remain closed during the 1995-96 oyster season.

3. A designated sacking only area east of the Mississippi River will open one-half hour before sunrise on September 6, 1995. The sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet.

4. Those properly marked areas where shell was deposited for oyster cultch in Sister Lake will be closed to oyster dredging for the 1995-96 oyster season.

5. The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amount of shell in seed oyster loads.

6. The Secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource subsides.

7. The Calcasieu and Sabine Lake tonging area will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days.

8. Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

Perry Gisclair  
Chairman

A Declaration of Emergency on Rules for Taking Crabs in Sabine Lake was presented by Mr. Brandt Savoie. This item was a request as a result of House Concurrent Resolution 95 from the 1995 legislative session. In 1994, a rule was passed by the Commission to implement the restriction on crab traps and there was some good that resulted from this first experiment. In accordance with the Concurrent Resolution, a Declaration of Emergency was presented that would make crab fishermen remove their traps from Sabine Lake beginning the day before the shrimp season opened and not return them until the morning of the fifteenth day of the shrimp season.

Commissioner Vujnovich asked if this same rule was passed last year? Mr. Savoie then read the Therefore Be It Resolved portion of the Resolution. Commissioner Hanchey made a motion to accept the Resolution and was seconded by Commissioner Carver. The motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

Special Rule for the Taking of Crabs on Sabine Lake  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

- WHEREAS,** R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act allows the Wildlife and Fisheries Commission to adopt emergency rules, and
- WHEREAS,** R.S. 56:6(25)(a) allows the Commission to promulgate rules and regulations governing the seasons and places for the taking of fish, and
- WHEREAS,** HCR 95 of the 1995 Regular Session of the Louisiana Legislature directs the Commission to establish rules relative to the taking of crabs by the use of crab traps within the waters of Sabine Lake, and
- WHEREAS,** the Commission finds that due to regulations regarding the use of crab traps in the Texas portion of Sabine Lake, the crab traps within the lake are concentrated within Louisiana's portion of the lake and place an undue hardship on the shrimpers of that area,
- NOW THEREFORE BE IT RESOLVED,** the Wildlife and Fisheries Commission does hereby establish the following emergency rule: The Louisiana Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the state waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season. All crab traps must be removed from the waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6:00 a.m. of the fifteenth day of the 1995 Fall Inshore Shrimp Season.
- BE IT FURTHER RESOLVED,** a Declaration of Emergency establishing this rule is attached to and made a part of this resolution.



Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set seasons and R.S. 56:6(25)(a) which allows the Wildlife and Fisheries Commission to set seasons and places for the taking of fish and HCR 95 of the 1995 Regular Session of the Louisiana Legislature which directs the Commission to adopt rules regulating the use of crab traps in Sabine Lake, the Commission hereby adopts the following emergency rule:

The Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the State waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season. All crab traps must be removed from the State waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6:00 a.m. of the fifteenth day of the 1995 Fall Inshore Shrimp Season.

The Wildlife and Fisheries Commission finds that due to the fact that crabbing with crab traps is regulated within the Texas portion of the waters of Sabine Lake, the crab traps within the lake are concentrated within Louisiana's portion of the lake and place an undue hardship on the shrimpers of that area.

Perry Gisclair  
Chairman

With the next item, Declaration(s) of Emergency and Notice(s) of Intent to Implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including but not limited to, regulations governing: a) commercial fisherman's assistance program: proof of income and eligibility; schedule of payments for nets; b) rod and reel commercial gear license: procedures for proof of income and eligibility; c) gill nets, trammel nets, strike nets and seines; traverse permit to EEZ; d) freshwater commercial gill nets and trammel nets: establishment of a marking system; e) Federal Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement; f) spotted seatrout: season(s) and entry of commercial fisherman into the fishery; g) black drum, sheepshead

and flounder: regulations for the entry of commercial fisherman into the fishery; h) mullet: regulations for taking; entry of commercial fisherman into the fishery; i) any and all regulations necessary or pursuant to the above; and j) any and all other regulations required or authorized by Act 1316 of 1995, Chairman Gisclair stated that a few problems have been encountered and that some of the Commissioners had just received information from the staff. Also, a letter from Representative Triche was received and his interpretation of the Act was different from how the Department's attorney interpreted the law. Mr. Don Puckett stated the staff has worked exclusively on this Act since receiving word the Governor would not veto the law. The Act called for nine sets of rules and regulations on various subjects. The final version on these rules was made the night before this meeting. Mr. Puckett recommended allowing the staff make a verbal presentation to the Commissioners and possibly delay taking action until a Special Meeting could be held. Chairman Gisclair stated the Commission did not want to be in violation, but with the circumstances that had arisen, he felt the Commission should not rush into anything. Commissioner Schneider stated it would be important for the authors legal staff to visit with our Department attorneys and come to an understanding on what the law meant. Commissioner Cormier stated he had one concern and that was to have adequate time to discuss and decipher the issue. Then he asked if there was enough time to wait and act on these issues and was August 15 the date for enactment of the law? Mr. Puckett stated there were some sections of the Act with an August 15 implementation, some with a September 1 implementation date and others with no implementation date listed.

On the first section of the act, **Commercial Fisherman's Assistance Program**, Mrs. Wynnette Kees stated procedures were needed to determine proof of income for applicants applying for economic assistance. Applications for this assistance must be made by October 1 as set in the Act. An applicant must have derived more than 50 percent of his income from the legal capture and sale of fish in at least two of three years 1995, 1994 and 1993. The proof shall come from the applicant's Federal Income Tax Return including Schedule C of Form 1040. In the event the Department can not verify proof of income, a certified audited return prepared by a CPA would be required. Chairman Gisclair asked if the applicants had to apply by October 1 and was this a one time deal? Commissioner Schneider asked why the Declaration of Emergency did not include the October 1 deadline? Mr. Fred Prejean stated the applicant would have to pay for the certified audited return. Then another problem the Department was having to face was that the Act referred to "earned income", but nowhere on the 1040 Form or Schedule C is the word "earned" used, stated Mr. Prejean. Mrs. Kees explained how an applicant can obtain a copy of his income tax return. Mr. Prejean stated the Act does not refer to a fisherman that may claim his business as a corporation or partnership and that the Department would accept a corporation's Form 1120 as well

as the partnerships tax return. Commissioner Schneider asked if the wording "or its equivalent" could be added in the language in the proposed rule?

The **rod and reel commercial gear license** and procedures for proof of income and eligibility was the next portion to be discussed by Mrs. Kees. She stated the same procedure applied for this gear license as for the economic assistance program.

Then Mrs. Kees directed the Commissioners to that portion of Act 1316 pertaining to **schedule of payments for nets**. The Department was required to purchase from qualified persons fishing nets that are now illegal or rendered useless due to the act. Mrs. Kees announced the effective date for this portion is September 1. She then explained the criteria to be followed as well as required proof of income. An application should be available by August 15 at all district offices with a deadline to return to the Department of October 1. The Department will evaluate each application and notify the person by mail when and where to come in with the nets. Monies to be used for this net buy-back program would come from a \$3 stamp required of recreational fishermen that would not be available until the end of November. Revenue collected through June 30, 1996 from the sale of the stamp would be used for this program. Chairman Gisclair asked what kind of educational process does the Department have to inform the fishermen of these different deadlines? Commissioner Schneider asked about the retraining programs and why it was not included in this packet? Mr. Prejean stated the same period for collecting funds was being maintained by using the June 30, 1996 deadline. Mrs. Kees stated the amount of money to be paid to each fishermen would be based on the amount of money in the fund and the number of qualified nets. Commissioner Schneider asked where did the prices in the schedule come from?

The last section pertaining to Fiscal was the rules and regulations for persons authorized to use **gill nets, trammel nets, strike nets and seines and traverse permit to EEZ** stated Mrs. Kees. This would be called the Traversing Permit and would cost \$250 for both resident and non-resident. Application for the permit must be made in person in the Baton Rouge Office. Only one permit would be required for any number of nets on board a vessel and all of the gear must be licensed, explained Mrs. Kees. The Enforcement Division would attach certain conditions to the permit to help them enforce the law. Commissioner Schneider asked, how do you determine who the Captain is, and is there a Captain's License?

Going back to the schedule of payments for nets, Chairman Gisclair asked how did the Department came up with the price per foot, and did the price for the gill nets include the attachments. Then he stated the figures did not look realistic to him. Chairman Gisclair asked if the Department contacted any fishermen and asked them how much money was put into making a net? He then requested the Department look into this matter further. Mr. Prejean stated

the dollar amount available for this program would be a fixed amount and that amount would be pro rated to the qualified applicants. Chairman Gisclair asked why were trawls in this packet when they were not to be included?

Mr. Bennie Fontenot handled the section on **freshwater commercial gill nets and trammel nets and the establishment of a marking system**. Freshwater commercial gill nets and trammel nets would be tagged effective August 15, 1995 and the Department would establish rules and methods to tag the nets. This information was being presented to the Commission for their review and comments because the authority for this section was given to the Secretary of the Department, stated Mr. Fontenot. Commissioner Schneider asked if the wording came straight from Act 1316?

Mr. Harry Blanchet began his first section, **spotted seatrout: season(s) and entry of commercial fisherman into the fishery**, stating Act 1316 established two seasons for harvesting spotted seatrout with mullet strike net, set closed times during the season, provided for a rod and reel season, a special permit and provided for limits on entry into the fishery. The packet presented to the Commission took the existing rule from Title 76 and incorporated the new law. The staff determined the intent of the law was to have a specific opening day for the commercial harvest of spotted seatrout which was to be the third Monday of November. Mr. Blanchet explained how he changed the closing date from May 1 to the beginning of the next season if the Commission wanted to make that change. The discussion continued on implementing what was in the law and how it would be placed in this packet. Then Mr. Blanchet explained the Mullet Strike Net Season, how the proposed rule was taken from statute and that the closing date was defined to mean the season would close when the quota was met or projected to be met. After reviewing a letter from Representative Triche, Mr. Blanchet realized what the staff had prepared was not the same as Mr. Triche's intent. Chairman Gisclair stated the Commission needed the authors of the bill at the meeting to obtain their intent before the staff could prepare any proposed rule. Mr. Blanchet read from the act and then stated this section was where he felt the season was to open in November. Commissioner Schneider reminded Mr. Blanchet that there was already a spotted seatrout management plan and that he did not see where the act revoked that plan. Commissioner Cormier read from the act and then stated the Commission's duties were to implement the law as it was established by the legislature. Mr. Puckett stated the rules developed by the staff were based on legal interpretations by the legal staff. Then he explained how he interpreted this section of the law and with Representative Triche's letter there needs to be a different interpretation. Commissioner Babin stated the author of the bill had two different dates, one in the letter and one in the bill and that the author of the bill needed to explain his intent. Chairman Gisclair stated there are deadlines to be met but with the questions that need to be answered, it was not the

Commission's intent to deliberately postpone anything. Mr. Blanchet then posed a question - if the date of September 15 was used to open the spotted seatrout season, then what type of gear would be allowed? The mullet strike net season would open on November 20, with the mullet strike net season closing on March 1 as well as the season to use other legal gear and only allowing the use of rod and reel. Commissioner Schneider asked if these season dates would go on for two years? Mr. Blanchet advised what gear could be used during the 1996-97 season and the seasons thereafter. Commissioner Schneider asked if there was a biological reason for using the November dates and what was meant by a part of the proposed rule called General Provisions?

The next section to be discussed was the **black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.** Mr. Harry Blanchet stated there were problems with interpretation of the law with this section as well. This group of fish, black drum, sheepshead and flounder, would be referred to as Restricted Species Permit. At this point, the different rules concerning black drum, sheepshead, and the restricted species permit were discussed. Included in the law was language on all other saltwater finfish species and so Mr. Blanchet drafted a rule to cover this section of the law. Chairman Gisclair asked if all fishermen that commercially take sheepshead would have to have this permit and if the fishermen that trawl for sheepshead were covered within this section?

**Mullet, regulations for taking; entry of commercial fisherman into the fishery** was another rule taking an existing rule and incorporating this new law stated Mr. Blanchet. The major items for mullet included a limit on entry and a stringent penalty clause. The effect of the law was to eliminate the harvest of mullet outside the roe season for commercial purposes.

The last proposed rule was a catch-all from R.S. 56:325.4 which stated that during the mullet and spotted seatrout seasons, all other commercial species of saltwater finfish may be taken using a pompano strike net. The license and gears for these species will be prohibited after March 1, 1997.

Mr. Fred Prejean stated on the schedule for payment of nets, the trawls referred to were fish trawls. Then he provided another copy of the four proposed rules that he and Mrs. Kees worked on. Chairman Gisclair stated a Special Meeting would be held on Tuesday, August 15, 1995 at 10:00 a.m., in Baton Rouge and would limit the agenda to this one item with all of its sub-parts.

Mr. Bob Dennie read the **National Hunting & Fishing Day Resolution.** Commissioner Cormier made a motion to accept the Resolution and was seconded by Commissioner Carver. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

LOUISIANA'S NATIONAL HUNTING & FISHING DAY

PROCLAMATION

- WHEREAS,** Louisianans are blessed with an abundance and diversity of game, fish and seafood that hunters, fishermen and commercial industries have long appreciated; and
- WHEREAS,** the State's warm Gulf waters and fertile estuarine systems are home to more than 100 commercially valuable seafood species unmatched anywhere else in the nation making Louisiana the nation's second largest producer of fisheries products with more than one billion pounds landed annually for a dockside value of more than \$280 million; and
- WHEREAS,** in Louisiana, more than 55,000 people directly employed in harvesting, processing, wholesaling and distribution of Louisiana seafood, including in-direct employment in the seafood industry increases to 90,000 individuals, and
- WHEREAS,** the fish and wildlife industries contribute approximately \$2 billion to the State's economy; and
- WHEREAS,** during the past half century, hunters and anglers have contributed more than \$12 billion to conservation programs through license fees and self-imposed excise taxes, currently providing \$3 million a day for conservation purposes; and
- WHEREAS,** half of the people in the United States, sixteen years old and older enjoy some type of fish or wildlife related activity, adding more than \$59 billion to local, state and national economies; and
- WHEREAS,** more than one million anglers in the state spend more than \$2,750,000 annually and in total, a direct expenditure of \$686 million in pursuit of their sport, making fishing one of the largest industries in the state; and
- WHEREAS,** a national recreation survey by the Department of Interior's Fish and Wildlife Service indicated that 56% of all Louisianans participate in some type of fishing or wildlife related activity.
- NOW, THEREFORE,** the Louisiana Wildlife and Fisheries Commission hereby proclaims September 23, 1995, as Louisiana's National Hunting and Fishing Day. The Commission urges

all citizens to join with the sportsmen-conservationists and commercial industries in a rededication to the wise use of our natural resources and their proper management for the benefit of future generations and urges all its citizens to take part to learn more about conservation and outdoor skills.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

**Removal of Civil Restitution and Class 1 Update** was another suggestion proposed by Commissioner Carver. Copies of the reports were provided in the folders and Commissioner Carver felt it redundant to give a verbal report. He then made a motion to remove Civil Restitution from the agenda and have a written copy provided each month. Commissioner Hanchey seconded the motion and it passed with no opposition.

Chairman Gisclair requested the **Monthly Law Enforcement Report for July** be rescheduled for the September meeting.

The **Secretary's Report** to the Commission was given by Secretary Herring. He began complimenting the Legal, Fiscal, License, Enforcement, Inland Fisheries and Marine Fisheries staff for their continuous meetings held since the passage of the gill net law. Their tremendous dedication to the project was appreciated.

The Marine Lab at Grand Terre was host to many activities including Marsh Maneuvers. The students attending were from central and upland Louisiana and were not familiar with the coastal areas of Louisiana. From the feedback received on this course, the Department feels they are doing a good job in educating a different segment of public.

Upland teachers from the northern part of the state attended a class at a higher level from the students. They learned about the marsh, the coastline and its value, the recreational and commercial fishing industry, the fur industry and sport hunting. With the amount of marsh in Louisiana and the on-going activities, Secretary Herring stated you can not compare Louisiana to any other gulf state.

Mr. John Medica was again serving as Chairman of National Hunting and Fishing Day events in Baton Rouge for this year. Also, Mr. Bob Dennie works on this event with Mr. Medica. Other areas in the state that will hold National Hunting and Fishing Day activities include Minden, Monroe, Alexandria, and Natchitoches. The staff also would be working in other parts of the state with club representatives to put on smaller events.

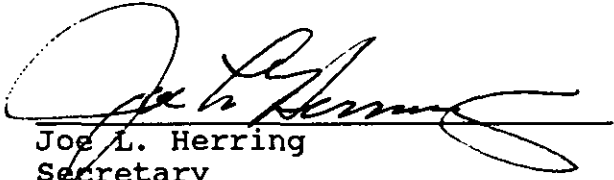
A field trip to the Beechwood Fish Hatchery with Division of Administration personnel was planned for Thursday, August 10, 1995 to see the progress made on the renovation of the old hatchery and the progress on the new hatchery.

Commissioner Cormier made a motion to hold the **December 1995 Meeting** on Thursday, December 7, 1995 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Schneider and passed with no opposition.

Chairman Gisclair stated there was an award to be presented to an enforcement agent and asked Captain Keith LaCaze to come forward. Captain LaCaze stated Senior Agent Chuck Comeaux rescued two passengers from an overturned vehicle in Bayou Lafourche. The North American Wildlife Enforcement Officers Association learned of the incident and deemed to give a Lifesaving Award to Senior Agent Comeaux. Chairman Gisclair congratulated Mr. Comeaux for receiving this award.

Chairman Gisclair then asked for **Public Comments**. Mr. Joe Macaluso stated he was concerned about the removal of two items from the agenda, these being the Aircraft Report and the Civil Restitution Report. He also mentioned concern that there was not an Enforcement Report presented. Then Mr. Macaluso asked to have the information available from the Department on a current basis. Chairman Gisclair stated the Enforcement Report would continue. Commissioner Carver stated only the oral reports would be discontinued, not the written.

There being no further business, Commissioner Schneider made a motion to **Adjourn** the meeting and was seconded by Commissioner Cormier.



Joe L. Herring  
Secretary

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Wednesday, August 9, 1995

Chairman Perry Gisclair presiding.

Glynn Carver  
Peter Vujnovich  
Jerald Hanchey  
Joseph B. Cormier  
Jeff Schneider  
Daniel Babin

Secretary Joe L. Herring was also present.

Chairman Gisclair began the meeting recognizing and welcoming Commissioner Daniel Babin to the Commission. Commissioner Babin stated he was happy to be on board and hoped to get a lot accomplished.

Chairman Gisclair called for a motion for approval of the **July 6, 1995 Commission Minutes**. A motion for approval was made by Commissioner Vujnovich and seconded by Commissioner Carver. The motion passed with no opposition.

Contribution by the **Louisiana Bass Hatchery for Therapeutic Drug Certification** was made by Mr. Pat Richardson. Mr. Richardson presented a check to the Department as the state's matching fund for the Therapeutic Drug Program. The program has 32 states involved in trying to obtain approval to control parasites in fish hatcheries. Mr. Bennie Fontenot expressed appreciation on behalf of the Department for the contribution and ~~how~~ <sup>stated</sup> the program would benefit ~~the~~ aquaculture and hatcheries in the state. Mr. Fontenot presented to Mr. Richardson a progress report on the first year's work. Chairman Gisclair thanked Mr. Richardson on behalf of the Commission for their continued involvement.

Mr. Bill Simmons presented the **Shikar Safari Club International Agent of the Year Award**. He first ~~began explaining~~ <sup>Explained</sup> how the Club was established in 1952 by international hunters and by 1966 a foundation was formed. The recipient for this year was Sergeant Joey Broussard of Port Barre, Louisiana. Mr. Simmons then announced the recipients of the Award for the three previous years. Chairman Gisclair thanked Mr. Simmons for making the presentation.

Commissioner Carver asked ~~for~~ <sup>that</sup> the next item, **Removal of Aircraft Report from Agenda** be placed on the agenda. He stated the reports were placed in the folders each month and felt it was redundant to have a presentation made. He then made a motion to

remove the oral report from the agenda. Commissioner Hanchey seconded the motion. Commissioner Schneider asked if part of the motion would include the Commission receiving the reports? The motion passed with no opposition.

**Discussion and Potential Reconsideration of 1995/96 Dove Season** began with Commissioner Schneider stating he has received a lot of calls on the change in the dove season for this year voted on at the July Commission Meeting. ~~But~~ since all the hunting pamphlets had already gone to the printers and it was such a short notice, Commissioner Schneider felt the seasons should not be changed. Chairman Gisclair stated no action would be taken on this item.

**Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots)** began with Mr. Robert Helm reminding everyone of the dates and bag limits from the time he took his job until this year. He stated some significant changes have occurred in the last few years. Mr. Helm then introduced a video prepared by the U.S. Fish and Wildlife Service on the duck status. After the video, Mr. Helm asked Mr. Dave Morrison, the new Flyway Council representative, to present the season recommendations. Mr. Morrison stated the ~~Mississippi Flyway Council's recommendation to the U.S. Fish and Wildlife Service were~~ accepted almost in its entirety. The basic framework would be a 50 day duck season with a five bird bag limit. Changes from last year included an increase in the bag limit, ~~Goose~~ <sup>the</sup> limit has been increased from seven to ten on light geese, ~~framework on snow geese was extended to March 10,~~ <sup>AND</sup> the opportunity for a statewide Canada goose season and the Catahoula Lake zone would be maintained. At this point, Mr. Morrison explained the reasons for the turn-around in duck populations.

The following were the Wildlife Division's recommendations for the duck season: west zone - November 11 - December 3 and December 16 - January 11; east zone - November 18 - November 30 and December 16 - January 21; Catahoula Lake zone - November 18 - November 30 and December 16 - January 21. Bag limits would be 5 and may include no more than 4 mallards of which one can be a female, 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limits on coots would be 15, with the possession limit being twice the daily bag limit. The daily bag limit on mergansers was five of which one may be a hooded merganser and possession limit being twice the daily bag limit. Goose season dates were from November 11 - December 3, December 16 - January 31, February 1 - February 25. Daily bag limit would be 10 in the aggregate but no more than 2 white-fronted geese allowed. From February 1 - February 25, only blue and snow geese may be taken. Canada Goose Season would run from January 23 - January 31 with daily bag limit being 2 and not more than one can be a Canada goose and possession limit would be twice the daily bag limit. Mr. Morrison read the description for the area of Vermilion and Cameron Parishes that

~~is~~ is

were closed to Canada Goose hunting. Shooting hours would be one-half hour before sunrise to sunset.

Commissioner Schneider asked why would the U.S. Fish and Wildlife Service not allow hunters to take an extra wood duck? Hearing no further comments, Mr. Morrison read the Therefore Be It Resolved portion of the Resolution. Commissioner Hanchey made a motion to accept the Resolution and was seconded by Commissioner Schneider. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

#### RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
August 9, 1995

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, August 9, 1995.

**WHEREAS,** public hearings have been held to discuss the status of waterfowl, including ducks, coots and geese in Washington, D.C., and

**WHEREAS,** the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

**WHEREAS,** rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

**WHEREAS,** the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

**WHEREAS,** it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

**THEREFORE BE IT RESOLVED,** that this Commission does hereby adopt those season dates for ducks, coots and geese which are attached and made part of this Resolution, subject to the following stipulations:

(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency and preparation of

reports and correspondence to other agencies of government; and

(2) If significant changes occur as a result of changes in the framework established by the U.S. Fish and Wildlife Service or for other reasons, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon the recommendations of Department staff, supported by biological and technical data.

**BE IT FURTHER RESOLVED**, that these dates will be forwarded to the U.S. Fish and Wildlife Service as regulations set for Louisiana's 1995-96 Migratory Bird Hunting Regulations.

Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

*nets were* Commissioner Carver stated he put the **Shrimp Mesh Law Discussion** on the agenda at the request of Representative Randy Roach. Commercial fishermen buying 1 1/2 inch mesh nets for use to shrimp became undersized when coated and he felt there should be a tolerance allowed after the nets were coated. Chairman Gisclair asked Secretary Herring if he had received any phone calls on this item? Secretary Herring stated a call was received from Representative Roach, Senator Nunez and two other people. Mr. Brandt Savoie explained the law was passed two years ago after a bill was introduced by the Governor's Shrimp Task Force to the legislature. The bill gave the fishermen a two year lag to allow them the chance to get the correct sized nets. Mr. Savoie reminded the Commissioners the count size would go off in October and the shrimpers could harvest any size shrimp then. Chairman Gisclair asked what was the penalty for breaking the law? Mr. Savoie stated it was a \$500 fine with seizure of equipment, class 3 violation. Commissioner Carver asked if there would be any measurable biological affect? Commissioner Cormier asked Lt. Col. Charlie Clark to explain the enforcement aspect of this law. Lt. Col. Clark stated this was not the first time for the 1 1/2 inch law and they enforce the count law as hard as they do any law. Commissioner Cormier then asked if when the law was enforced, was there any leeway? Chairman Gisclair asked if there was a size restriction on the outer cover webbing and would the structure of the TED's have to be recovered with 1 1/2 inch webbing? Commissioner Babin asked about the enforcement of the law on boats that shrimp both outside and inside waters? Then he stated a concern he has heard was how one District Attorney in one parish would treat the law differently from another District Attorney on the stretch of the net. Mr. Don Puckett stated he received a copy of an Attorney General's opinion requested by Representative Roach. The opinion stated the legislature "did not provide any tolerance

for the measurement of mesh on shrimp nets" and that the Commission can not adopt a rule allowing the use of shrimp nets with a mesh size less than 1 1/2 inch. Mr. Puckett concurred with the opinion in that the Commission did not have the authority to regulate gear or to wave the statutory mesh size.

Mr. Bill Dekemel, President of the East Bank Commercial Fisherman's Association, stated there was miscommunication on what the bill was really going to do. The fishermen were of the opinion the body of the net was to be 1 1/2 inch mesh. Mr. Dekemel explained how the fishermen had a problem with complying with a 1 1/2 inch extensions and tails along with the use of TED's. This law would prove to be another shrimp loss for the fishermen. He then asked if there could be any leniency in enforcing the law or just not enforce the law? Mr. Dekemel concluded the net does not shrink just when dipped, it shrinks when it is hanging ~~on a net~~ and sitting in the sun for four or five months at a time.

Mr. Pete Gericca, Lake Pontchartrain Fisherman's Association, stated his problem was there was not one enforcement agent certified to gauge webbing. He stated that each time he measured the webbing on nets he made, there would be 1 1/4 to 1 1/2 inch difference on each run of webbing. He then requested the agents use aluminum net gauges and also have a 1/4 inch tolerance on a six mesh or eight mesh run.

Chairman Gisclair stated the law is the law, but the agents were willing to work with the fishermen on a case by case basis and hoped tolerances would be allowed in certain situations. He also reminded everyone that Mr. Puckett had stated what the Commission could or could not do about the law. Commissioner Cormier stated there would be Senior Agents out in the field and ~~would be~~ *the* assisting the new agents and making sure violations could be prosecuted. Commissioner Babin asked for consistency throughout the state when it came to enforcing the laws.

*Rule* A Declaration of Emergency for **Setting 1995 Fall Inshore Shrimp Season** was the next item for discussion. Mr. Brandt Savoie stated based on historical data and data collected thus far, there was no reason not to open the 1995 fall shrimp season on the third Monday in August as has been a tradition. The third Monday in August this year would be August 21 and this was the staff's recommendation to the Commission. Commissioner Schneider asked if the Commission was okay on the Declaration of Emergency issue? Mr. Savoie stated shrimp seasons were exempt from Notice of Intent and could be set by emergency. Hearing no public comments, Mr. Savoie read the Resolution. Commissioner Babin made a motion to accept the Resolution and was seconded by Commissioner Vujnovich. The motion passed with no opposition. Chairman Gisclair asked for an update on the shrimping. Mr. Savoie stated all of the data was not available yet but the 1995 spring season was probably one of the best seasons in the last five years. Early migration of white

shrimp was seen in the central part of the state and recruitment is still being seen now. East of the Mississippi River and the area in Zone 3 saw recruitment a little later but was still on schedule. It was anticipated there would be a good white shrimp season. Chairman Gisclair asked if there has been any effect on the shrimp from the high tides experienced along the coast?

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

1995 Fall Inshore Shrimp Season  
adopted by the  
Louisiana Wildlife and Fisheries Commission

**WHEREAS,** R.S. 56:497 authorizes the Wildlife and Fisheries Commission to set no less than two shrimp seasons each calendar year for all inside waters by zone, and

**WHEREAS,** R.S. 56:497 states the shrimp seasons shall be based on biological and technical data which indicates that marketable shrimp are available, and

**WHEREAS,** R.S. 56:498 provides the minimum legal count on white shrimp is 100 (whole shrimp) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

**WHEREAS,** historically the Fall Inshore "White" Shrimp Season opened on the third Monday in August, and

**WHEREAS,** historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in all inshore shrimp zones will average 100 count minimum size or larger by mid August, and

**WHEREAS,** in 1995 the third Monday in August will be August 21.

**NOW THEREFORE BE IT RESOLVED,** the Wildlife and Fisheries Commission does hereby set the 1995 Fall Inshore "White" Shrimp Season by public notice in accordance with R.S. 56:497, to open statewide at official sunrise Monday, August 21, 1995.

**BE IT FURTHER RESOLVED,** the Wildlife and Fisheries Commission does hereby set the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday, December 17, 1995 and grants authority to the Secretary of the

Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

**BE IT FURTHER RESOLVED**, a Declaration of Emergency setting the 1995 Fall Inshore "White" Shrimp Season is attached to and made a part of this resolution.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters, the Wildlife and Fisheries Commission does hereby set the 1995 Fall Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State Line westward to the eastern shore of South Pass of the Mississippi River, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, and

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line,

all to open at official sunrise Monday, August 21, 1995.

The Commission also hereby sets the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday, December 17, 1995 and grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

Perry Gisclair  
Chairman

A Declaration of Emergency for **Setting 1995-96 Oyster Season** was handled by Mr. Phil Bowman. The Department has finished assessing the oyster population on the public seed grounds and used this information as a basis for the recommendations for the 1995-96 season. Mr. Bowman read the Therefore Be It Resolved portion of the Resolution. Chairman Gisclair asked for public comments and none were heard. Commissioner Vujnovich stated some shell was *oysters* planted last year in Hackberry Bay and ~~they~~ may be too small this year for harvesting, but with the Secretary having the authority to close an area, he may ask that Hackberry be closed after visiting the area opening day. Then he made a motion to adopt the Resolution and was seconded by Commissioner Hanchey. This motion passed unanimously.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

1995/96 Season on the Public Oyster Grounds  
Adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1995 is September 6, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" have been surveyed and the available supply and size variation has been determined, and
- WHEREAS,** it has been a managerial practice to rotate the opening of the season on some of the "Oyster Seed Reservations" when biologically feasible, and
- WHEREAS,** several sites have been utilized to deposit cultch material as a subsurface to attract oyster larvae and the areas are normally closed to dredging one year, and
- WHEREAS,** Act #46 of the 1992 Legislative Session changed R.S. 56:433B to mandate a sacking area only on the Public Grounds east of the Mississippi River inclusive of Plaquemines and St. Bernard Parishes.
- THEREFORE BE IT RESOLVED,** that the "Louisiana Public Oyster Seed Grounds" not currently under lease and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995, and



**BE IT FURTHER RESOLVED,** that the "Bay Junope Oyster Seed Reservations" will remain closed during the 1995/96 oyster season, and

**BE IT FURTHER RESOLVED,** that the sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet.

**BE IT FURTHER RESOLVED,** that those properly marked areas where shell was deposited for oyster cultch in the Sister Lake Oyster Seed Reservation will be closed to oyster dredging for the 1995/96 oyster season, and

**BE IT FURTHER RESOLVED,** that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or to close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

**BE IT FURTHER RESOLVED,** that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended, and

**BE IT FURTHER RESOLVED,** that the season for Calcasieu and Sabine Lake tonging areas will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days, and

**BE IT FURTHER RESOLVED,** notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:433 and R.S. 56:435.1, notice is hereby given

that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The Public Oyster Seed Grounds not currently under lease and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995.

2. The Bay Junope Oyster Seed Reservations will remain closed during the 1995-96 oyster season.

3. A designated sacking only area east of the Mississippi River will open one-half hour before sunrise on September 6, 1995. The sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet.

4. Those properly marked areas where shell was deposited for oyster cultch in Sister Lake will be closed to oyster dredging for the 1995-96 oyster season.

5. The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amount of shell in seed oyster loads.

6. The Secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource subsides.

7. The Calcasieu and Sabine Lake tonging area will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days.

8. Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

Perry Gisclair  
Chairman

A Declaration of Emergency on Rules for Taking Crabs in Sabine Lake was presented by Mr. Brandt Savoie. This item was a request as a result of House Concurrent Resolution 95 from the 1995 legislative session. In 1994, a rule was passed by the Commission to implement the restriction on crab traps and there was some good that resulted from this first experiment. In accordance with the Concurrent Resolution, a Declaration of Emergency was presented

that would make crab fishermen remove their traps from Sabine Lake beginning the day before the shrimp season opened and not return them until the morning of the fifteenth day of the shrimp season. Commissioner Vujnovich asked if this same rule was passed last year? Mr. Savoie then read the Therefore Be It Resolved portion of the Resolution. Commissioner Hanchey made a motion to accept the Resolution and was seconded by Commissioner Carver. The motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

Special Rule for the Taking of Crabs on Sabine Lake  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

**WHEREAS,** R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act allows the Wildlife and Fisheries Commission to adopt emergency rules, and

**WHEREAS,** R.S. 56:6(25)(a) allows the Commission to promulgate rules and regulations governing the seasons and places for the taking of fish, and

**WHEREAS,** HCR 95 of the 1995 Regular Session of the Louisiana Legislature directs the Commission to establish rules relative to the taking of crabs by the use of crab traps within the waters of Sabine Lake, and

**WHEREAS,** the Commission finds that due to regulations regarding the use of crab traps in the Texas portion of Sabine Lake, the crab traps within the lake are concentrated within Louisiana's portion of the lake and place an undue hardship on the shrimpers of that area,

**NOW THEREFORE BE IT RESOLVED,** the Wildlife and Fisheries Commission does hereby establish the following emergency rule: The Louisiana Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the state waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season. All crab traps must be removed from the waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6:00 a.m. of the fifteenth day of the 1995 Fall Inshore Shrimp Season.

**BE IT FURTHER RESOLVED,** a Declaration of Emergency establishing this rule is attached to and made a part of this resolution.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set seasons and R.S. 56:6(25)(a) which allows the Wildlife and Fisheries Commission to set seasons and places for the taking of fish and HCR 95 of the 1995 Regular Session of the Louisiana Legislature which directs the Commission to adopt rules regulating the use of crab traps in Sabine Lake, the Commission hereby adopts the following emergency rule:

The Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the State waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season. All crab traps must be removed from the State waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6:00 a.m. of the fifteenth day of the 1995 Fall Inshore Shrimp Season.

The Wildlife and Fisheries Commission finds that due to the fact that crabbing with crab traps is regulated within the Texas portion of the waters of Sabine Lake, the crab traps within the lake are concentrated within Louisiana's portion of the lake and place an undue hardship on the shrimpers of that area.

Perry Gisclair  
Chairman

With the next item, Declaration(s) of Emergency and Notice(s) of Intent to Implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including but not limited to, regulations governing: a) commercial fisherman's assistance program: proof of income and eligibility; schedule of payments for nets; b) rod and reel commercial gear license: procedures for proof of income and eligibility; c) gill nets, trammel nets, strike nets and seines; traverse permit to EEZ; d) freshwater commercial gill nets and trammel nets: establishment of a marking system; e) Federal

Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement; f) spotted seatrout: season(s) and entry of commercial fisherman into the fishery; g) black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery; h) mullet: regulations for taking; entry of commercial fisherman into the fishery; i) any and all regulations necessary or pursuant to the above; and j) any and all other regulations required or authorized by Act 1316 of 1995, Chairman Gisclair stated that a few problems have been encountered and that some of the Commissioners had just received information from the staff. Also, a letter from Representative Triche was received and his interpretation of the Act was different from how the Department's attorney interpreted the law. Mr. Don Puckett stated the staff has worked exclusively on this Act since receiving word the Governor would not veto the law. The Act called for nine sets of rules and regulations on various subjects. The final version on these rules was made the night before this meeting. Mr. Puckett recommended allowing the staff make a verbal presentation to the Commissioners and possibly delay taking action until a Special Meeting could be held. Chairman Gisclair stated the Commission did not want to be in violation, but with the circumstances that had arisen, he felt the Commission should not rush into anything. Commissioner Schneider stated it would be important for the authors legal staff to visit with our Department attorneys and come to an understanding on what the law meant. Commissioner Cormier stated he had one concern and that was to have adequate time to discuss and decipher the issue. Then he asked if there was enough time to wait and act on these issues and was August 15 the date for enactment of the law? Mr. Puckett stated there were some sections of the Act with an August 15 implementation, some with a September 1 implementation date and others with no implementation date listed.

On the first section of the act, **Commercial Fisherman's Assistance Program**, Mrs. Wynnette Kees stated procedures were needed to determine proof of income for applicants applying for economic assistance. Applications for this assistance must be made by October 1 as set in the Act. Applicants must have derived more than 50 percent of his income from the legal capture and sale of fish in at least two of three years 1995, 1994 and 1993. The proof shall come from the applicant's Federal Income Tax Return including Schedule C of Form 1040. In the event the Department can not verify proof of income, a certified audited return prepared by a CPA would be required. Chairman Gisclair asked if the applicants had to apply by October 1 and was this a one time deal? Commissioner Schneider asked why the Declaration of Emergency did not include the October 1 deadline? Mr. Fred Prejean stated the applicant would have to pay for the certified audited return. Then another problem the Department was having to face was the Act referred to "earned income", but nowhere on the 1040 Form or Schedule C is the word "earned" used, stated Mr. Prejean. Mrs.

Kees explained how an applicant can obtain a copy of his income tax return. Mr. Prejean stated the Act does not refer to a fisherman that may claim his business as a corporation or partnership and that the Department would accept corporation's Form 1120 as well as the partnerships tax return. Commissioner Schneider asked if the wording "or its equivalent" could be added in the language in the proposed rule? ↗

The rod and reel commercial gear license and procedures for proof of income and eligibility was the next portion to be discussed by Mrs. Kees. She stated the same procedure applied for this gear license as for the economic assistance program.

Then Mrs. Kees directed the Commissioners to that portion of Act 1316 pertaining to **schedule of payments for nets**. The Department was required to purchase from qualified persons fishing nets that are now illegal or rendered useless due to the act. Mrs. Kees announced the effective date for this portion is September 1. She then explained the criteria to be followed as well as required proof of income. An application should be available by August 15 at all district offices with a deadline to return to the Department of October 1. The Department will evaluate each application and notify the person by mail when and where to come in with the nets. Monies to be used for this net buy-back program would come from a \$3 stamp that would not be available until the end of November. Revenue collected through June 30, 1996 from the sale of the stamp would be used for this program. Chairman Gisclair asked what kind of educational process does the Department have to inform the fishermen of these different deadlines? Commissioner Schneider asked about the retraining programs and why it was not included in this packet? Mr. Prejean stated the same period for collecting funds was being maintained by using the June 30, 1996 deadline. Mrs. Kees stated the amount of money to be paid to each fishermen would be based on the amount of money in the fund and the number of qualified nets. Commissioner Schneider asked where did the prices in the schedule come from?

The last section pertaining to Fiscal was the rules and regulations for persons authorized to use **gill nets, trammel nets, strike nets and seines and traverse permit to EEZ** stated Mrs. Kees. This would be called the Traversing Permit and would cost \$250 for both resident and non-resident. Application for the permit must be made in person in the Baton Rouge Office. Only one permit would be required for any number of nets on board a vessel and all of the gear must be licensed, explained Mrs. Kees. The Enforcement Division would attach certain conditions to the permit to help them enforce the law. Commissioner Schneider asked how do you determine who the Captain is, and is there a Captain's License?

Going back to the schedule of payments for nets, Chairman Gisclair asked how did the Department came up with the price per foot, and did the price for the gill nets include the attachments.

Then he stated the figures did not look realistic to him. Chairman Gisclair asked if the Department contacted any fishermen and asked them how much money was put into making a net? He then requested the Department look into this matter further. Mr. Prejean stated the dollar amount available for this program would be a fixed amount and that amount would be pro rated to the qualified applicants. Chairman Gisclair asked why were trawls in this packet when they were not to be included?

Mr. Bennie Fontenot handled the section on **freshwater commercial gill nets and trammel nets and the establishment of a marking system**. Freshwater commercial gill nets and trammel nets would be tagged effective August 15, 1995 and the Department would establish rules and methods to tag the nets. This information was being presented to the Commission for their review and comments because the authority for this section was given to the Secretary of the Department, stated Mr. Fontenot. Commissioner Schneider asked if the wording came straight from Act 1316?

Mr. Harry Blanchet began his first section, **spotted seatrout: season(s) and entry of commercial fisherman into the fishery**, stating Act 1316 established two seasons for harvesting spotted seatrout with mullet strike net, set closed times during the season, provided for a rod and reel season, a special permit and provided for limits on entry into the fishery. The packet presented to the Commission took the existing rule from Title 76 and incorporated the new law. The staff determined the intent of the law was to have a specific opening day for the commercial harvest of spotted seatrout which was to be the third Monday of November. Mr. Blanchet explained how he changed the closing date from May 1 to the beginning of the next season if the Commission wanted to make that change. The discussion continued on implementing what was in the law and how it would be placed in this packet. Then Mr. Blanchet explained the Mullet Strike Net Season, how the proposed rule was taken from statute and that the closing date was defined to mean the season would close when the quota was met or projected to be met. After reviewing a letter from Representative Triche, Mr. Blanchet realized what the staff had prepared was not the same as Mr. Triche's intent. Chairman Gisclair stated the Commission needed the authors of the bill at the meeting to obtain their intent before the staff could prepare any proposed rule. Mr. Blanchet read from the act and then stated this section was where he felt the season was to open in November. Commissioner Schneider reminded Mr. Blanchet that there was already a spotted seatrout management plan and that he did not see where the act revoked that plan. Commissioner Cormier read from the act and then stated the Commission's duties were to implement the law as it was established by the legislature. Mr. Puckett stated the rules developed by the staff were based on legal interpretations by the legal staff. Then he explained how he interpreted this section of the law and with Representative Triche's letter there needs to be a different interpretation. Commissioner Babin stated the

author of the bill had two different dates, one in the letter and one in the bill and that the author of the bill needed to explain his intent. Chairman Gisclair stated there are deadlines to be met but with the questions that need to be answered, it was not the Commission's intent to deliberately postpone anything. Mr. Blanchet then posed a question - if the date of September 15 was used to open the spotted seatrout season, then what type of gear would be allowed? The mullet strike net season would open on November 20, with the mullet strike net season closing on March 1 as well as the season to use other legal gear and only allowing the use of rod and reel. Commissioner Schneider asked if these season dates would go on for two years? Mr. Blanchet advised what gear could be used during the 1996-97 season and the seasons thereafter. Commissioner Schneider asked if there was a biological reason for using the November dates and what was meant by a part of the proposed rule called General Provisions?

The next section to be discussed was the **black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.** Mr. Harry Blanchet stated there were problems with interpretation of the law with this section as well. This group of fish, black drum, sheepshead and flounder, would be referred to as Restricted Species Permit. At this point, the different rules concerning black drum, sheepshead, and ~~restricted~~ <sup>the</sup> species permit were discussed. Included in the law was language on all other saltwater finfish species and so Mr. Blanchet draft <sup>ed</sup> a rule to cover this section of the law. Chairman Gisclair asked if all fishermen that commercially take sheepshead would have to have this permit and if the fishermen that trawl for sheepshead were covered within this section?

**Mullet, regulations for taking; entry of commercial fisherman into the fishery** was another rule taking an existing rule and incorporating this new law stated Mr. Blanchet. The major items for mullet included a limit on entry and a stringent penalty clause. The effect of the law was to eliminate the harvest of mullet outside the roe season for commercial purposes.

<sup>commercial</sup> The last proposed rule was a catch-all from R.S. 56:325.4 which stated that during the mullet and spotted seatrout seasons, all other species of saltwater finfish may be taken using a pompano strike net. The license and gears for these species will be prohibited after March 1, 1997.

Mr. Fred Prejean stated on the schedule for payment of nets, the trawls referred to were fish trawls. Then he provided another copy of the four proposed rules that he and Mrs. Kees worked on. Chairman Gisclair stated a Special Meeting would be held on Tuesday, August 15, 1995 at 10:00 a.m., in Baton Rouge and would limit the agenda to this one item with all of its sub-parts.



Mr. Bob Dennie read the **National Hunting & Fishing Day Resolution**. Commissioner Cormier made a motion to accept the Resolution and was seconded by Commissioner Carver. The motion passed with no opposition.

(The full text of the Resolution is made a part of the record.)

## LOUISIANA'S NATIONAL HUNTING & FISHING DAY

### PROCLAMATION

- WHEREAS,** Louisianans are blessed with an abundance and diversity of game, fish and seafood that hunters, fishermen and commercial industries have long appreciated; and
- WHEREAS,** the State's warm Gulf waters and fertile estuarine systems are home to more than 100 commercially valuable seafood species unmatched anywhere else in the nation making Louisiana the nation's second largest producer of fisheries products with more than one billion pounds landed annually for a dockside value of more than \$280 million; and
- WHEREAS,** in Louisiana, more than 55,000 people directly employed in harvesting, processing, wholesaling and distribution of Louisiana seafood, including in-direct employment in the seafood industry increases to 90,000 individuals, and
- WHEREAS,** the fish and wildlife industries contribute approximately \$2 billion to the State's economy; and
- WHEREAS,** during the past half century, hunters and anglers have contributed more than \$12 billion to conservation programs through license fees and self-imposed excise taxes, currently providing \$3 million a day for conservation purposes; and
- WHEREAS,** half of the people in the United States, sixteen years old and older enjoy some type of fish or wildlife related activity, adding more than \$59 billion to local, state and national economies; and
- WHEREAS,** more than one million anglers in the state spend more than \$2,750,000 annually and in total, a direct expenditure of \$686 million in pursuit of their sport, making fishing one of the largest industries in the state; and
- WHEREAS,** a national recreation survey by the Department of Interior's Fish and Wildlife Service indicated that 56%

of all Louisianans participate in some type of fishing or wildlife related activity.

**NOW, THEREFORE,** the Louisiana Wildlife and Fisheries Commission hereby proclaims September 23, 1995, as Louisiana's National Hunting and Fishing Day. The Commission urges all citizens to join with the sportsmen-conservationists and commercial industries in a rededication to the wise use of our natural resources and their proper management for the benefit of future generations and urges all its citizens to take part to learn more about conservation and outdoor skills.

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Perry Gisclair, Chairman  
La. Wildlife & Fisheries  
Commission

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Joe L. Herring, Secretary  
La. Department of Wildlife &  
Fisheries

**Removal of Civil Restitution and Class 1 Update** was another suggestion proposed by Commissioner Carver. Copies of the reports were provided in the folders and Commissioner Carver felt it redundant to give a verbal report. He then made a motion to remove Civil Restitution from the agenda and have a written copy provided each month. Commissioner Hanchey seconded the motion and it passed with no opposition.

Chairman Gisclair requested the **Monthly Law Enforcement Report for July** be rescheduled for the September meeting.

The **Secretary's Report** to the Commission was given by Secretary Herring. He began complimenting the Legal, Fiscal, License, Enforcement, Inland Fisheries and Marine Fisheries staff for their continuous meetings held since the passage of the gill net law. Their tremendous dedication to the project was appreciated.

The Marine Lab at Grand Terre was host to many activities including Marsh Maneuvers. The students attending were from central and upland Louisiana and were not familiar with the coastal areas of Louisiana. From the feedback received on this course, the Department feels they are doing a good job in educating a different segment of public.

Upland teachers from the northern part of the state attended a class at a higher level from the students. They learned about the marsh, the coastline and its value, the recreational and commercial fishing industry, the fur industry and sport hunting. With the amount of marsh in Louisiana and the on-going activities, Secretary Herring stated you can not compare Louisiana to any other gulf state.

Mr. John Medica was again serving as Chairman of National Hunting and Fishing Day events in Baton Rouge for this year. Also, Mr. Bob Dennie works on this event with Mr. Medica. Other areas in the state that will hold National Hunting and Fishing Day activities include Minden, Monroe, Alexandria, and Natchitoches. The staff also would be working in other parts of the state with club representatives to put on smaller events.

A field trip to the Beechwood Fish Hatchery with Division of Administration personnel was planned for Thursday, August 10, 1995 to see the progress made on the renovation of the old hatchery and the progress on the new hatchery.

Commissioner Cormier made a motion to hold the **December 1995 Meeting** on Thursday, December 7, 1995 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Schneider and passed with no opposition.

Chairman Gisclair stated there was an award to be presented to an enforcement agent and asked Captain Keith LaCaze to come forward. Captain LaCaze stated Senior Agent Chuck Comeaux rescued two passengers from an overturned vehicle in Bayou Lafourche. The North American Wildlife Enforcement Officers Association learned of the incident and deemed to give a Lifesaving Award to Senior Agent Comeaux. Chairman Gisclair congratulated Mr. Comeaux for ~~his~~ receiving this award.

Chairman Gisclair then asked for **Public Comments**. Mr. Joe Macaluso stated he was concerned about the removal of two items from the agenda, these being the Aircraft Report and the Civil Restitution Report. He also mentioned concern that there was not an Enforcement Report presented. Then Mr. Macaluso asked to have the information available from the Department on a current basis. Chairman Gisclair stated the Enforcement Report would continue. Commissioner Carver stated only the oral reports would be discontinued, not the written.

There being no further business, Commissioner Schneider made a motion to **Adjourn** the meeting and was seconded by Commissioner Cormier.

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Joe L. Herring  
Secretary

JLH:sch

# OUTDOORS

## Waterfowl seasons applauded

### Proposed 1995-96 state migratory waterfowl seasons & bag limits

The Louisiana Wildlife and Fisheries Commission recommended the following dates and bag limits for the state's 1995-96 migratory waterfowl seasons. The dates are subject to approval by the U.S. Fish and Wildlife Service.

#### Ducks & Coots (poule d'eau) — 50 days

##### East Zone

Nov. 18-Nov. 30 (13 days)  
Dec. 16-Jan. 21 (37 days)

##### West Zone

Nov. 11-Dec. 3 (23 days)  
Dec. 16-Jan. 11 (27 days)

##### Catahoula Lake

Nov. 18-Nov. 30 (13 days)  
Dec. 16-Jan. 21 (37 days)

**Shooting Hours:** One-half hour before sunrise to sunset.

**Bag Limits:** Five ducks per day and may include no more than four mallards (no more than one mallard hen among the four), three mottled ducks, two wood ducks, one redhead, one canvasback, one black duck, and one pintail.

■ The daily limit on coots is 15.

■ The daily limit on mergansers is five, only one of which can be a hooded merganser. Coot and merganser

limits are in addition to the daily bag limit for ducks.

**Possession Limit:** Twice the daily bag limit.



#### Geese (statewide season) — three splits/95 days

Nov. 11-Dec. 3 (23 days)

Dec. 16-Jan. 31 (47 days)

Feb. 1-Feb. 25 (25 days)

**Daily Bag Limits:** Limit is 10 in the aggregate of blue, snow and white-fronted (specklebellies) geese of which not more than two can be white-fronted. During the last 25-day split (Feb. 1-25, 1996), only blue and snow geese may be taken.

#### Special Canada Goose Season:

Jan. 23-31, 1996 (in selected areas, and only by special state-issued permit)

■ During the Canada Goose Season, the daily bag limit for Canada and white-fronted geese is two, of which not more than one can be a Canada Goose.

■ Possession limit on all geese is twice the daily bag limit.

Advocate graphic

## LWFC passes most liberal dates since '84

By JOE MACALUSO

Advocate outdoors writer

The dozens of Louisiana waterfowl hunters attending Wednesday's meeting of the Louisiana Wildlife and Fisheries Commission left with big smiles and rounds of handshakes.

"I was hoping to see that all the hard work would pay off, and it has," said life-long duck and goose hunter Carl Gremillion. "This is great news."

It was: The LWFC approved the most liberal duck and goose seasons state waterfowlers have had since 1984 — 50 days of hunting in the state's east, west and Catahoula Lake zones with a daily bag limit of five ducks and a 95-day goose season. There will be a daily limit of five ducks and 10 geese. Last season had a 30-day duck season and daily limits of four ducks and seven geese.

The second bit of good news is that they won't have to wait on the U.S. Fish and Wildlife Service to approve either the dates, days or limits.

"All that's done," said Dave Morrison, the state's representative on the Mississippi Flyway Council. "The Fish and Wildlife Service's regulations committee met and, with two exceptions, OK'd everything the Flyway Council sent to them."

The exceptions were modifications to the dates the flyway's 14 states sought to construct their individual seasons and a reduction from two to one in the number of redhead ducks allowed in a daily limit. The council asked on Sept. 28-Jan. 23 for its allowable hunting dates, and the USFWS allowed Sept. 30-Jan. 21.

Within that framework, the state's West Zone gets first crack. Opening day is Nov. 11 and the first split will run through Dec. 3. The zone's second split will run from Dec. 16-Jan. 11.

The East Zone's first split will run from Nov. 18-Nov. 30, then pickup its final 37 days from Dec. 16-Jan. 21.

Catahoula Lake hunters get their 50 days from Nov. 18-30 and Dec. 16-Jan. 21.

The most notable increase in daily limit comes in mallards, North America's largest population by individual species.

Hunters will be allowed to have four mallards in their five-duck-a-day limit. Only one of the mallards may be a hen.

Among the other restrictions in the daily limit are that only three of the five ducks can be mottled ducks, two can be wood ducks and only one each pintail, black duck, redhead and canvasback.

The reasons for the increases is easily explained.

"There are more ducks and geese," Morrison said. "We are seeing numbers we haven't seen in over 20 years."

According to surveys conducted by USFWS and Canadian Wildlife biologists through the spring and summer, breeding numbers for most duck species are well above 1994's numbers and the long-term (last 25 years) average.

In the last two weeks, the USFWS came up with a projected 80 million ducks in this year's Fall Flight Index — 80 million ducks are on the breeding-nesting grounds in the northern U.S. and Canadian provinces. The FFI was 71 million in 1994.

According to the USFWS, the 36 million breeding ducks on the breeding grounds in May were 10 percent higher than in 1994 and 11 percent higher than the long-term average; the mallards in the FFI are estimated to be 11.1 million, some 15 percent higher than the 9.6 million in '94; and, that the only species that appear to be below long-term averages are pintail and scaup. The survey showed that pintail numbers are still 39 percent below the long-term average.

Morrison said the increase in the goose-season dates and bag limits is "because goose numbers have grown exponentially in the last 25 years."

From a USFWS chart, Morrison said that mid-North American numbers of lesser snow geese have risen from about 750,000 in 1969 to 2.2 to 2.3 million this year.

"There is wide concern among biologists that the geese are migrating back north in such big numbers that they are eating up their habitat to the degradation of habitat," Morrison said.

"It proves that hunting pressure is not having any effect on these birds, and that their numbers represent the largest index on record."

The increases in ducks is the result of heavy rains and the resulting availability of water for breeding and nesting success in North Dakota, South Dakota and eastern Montana, and the southern Canadian provinces. Biologists reported that conditions in the Dakotas are as good as any on record. The USFWS report also indicated that breeding grounds in southern Canada were, for the most part, fair to good.

"What's best is that these areas are holding water, that the habitat is in good shape for next year, too," Morrison said.

## LWFC ironing out specifics of new law on use of gill nets

By JOE MACALUSO

Advocate outdoors writer

The Louisiana Wildlife and Fisheries Commission continued to wrestle with a decision over how and when to implement the recently enacted law on the use of gill nets at Wednesday's rescheduled meeting.

The meeting was postponed from Thursday when LWFC chairman Perry Gislair called for the delay because of Hurricane Erin.

The problems over translating the intent of Act 1316, passed in this year's Legislative session, forced Gislair to call a special meeting of the commission for Aug. 15 at the Department of Wildlife and Fisheries on Quail Drive.

Gislair said he will invite the bill's authors, notably Rep. Warren Triche, D-Chackbay, and Rep. Randy Roach, D-Creole, to the meeting to discuss what the intent of the law is in relationship to existing wildlife and fisheries rules and regulations.

"We need to have them here," Gislair said. "There are some points that Rep. Roach made in a letter to me about the opening date for the (commercial) season on speckled trout. He said it was never his intention for the (commercial) season to start in November, that he wanted the season to start Sept. 15."

LDWF Marine Fisheries Division spokesman Harry Blanchet touched off the discussion about the commercial speckled trout season when he told the seven-man commission that the department's read on the new law mandated the speckled trout season to open with the mullet-roe season on the third Monday in November.

Blanchet explained that input from the LDWF's legal staff and other divisions indicated that the trout season should run concurrently with the newly mandated strike-net season on mullet. It's in the late fall and early winter when mullet carry highly prized roe, fish eggs that yield a market price of \$5-\$15 per pound on domestic and foreign markets.

"The consensus of the group working on this (trout opening date) is that the intent was to have a specific open-

**"It's important for the members of the Natural Resources committees to be here. They had a battle over there (the Legislature) on this issue, and there's no need for the battle to be over here."**

— Jeff Schneider  
LWFC commissioner

ing date for the harvest, that being on the third Monday in November for the next two years — Nov. 20 this year and Nov. 18 in 1996," Blanchet said.

LDWF secretary Joe Herring had outlined 10 areas of concern his staff had in combining existing state statutes, the new law, on-going management plans for several species including speckled trout and the State Constitution.

The first problem addressed the new law's provision to establish a commercial fisherman's assistance program.

Among the requirements to enter the program, or to apply for licenses under the new law, is that fishermen must be able to prove that 50 percent of their earned income must come from an unamended Internal Revenue Service Form 1040 or from IRS Schedule C.

"The problem in dealing with the interpretation of the law is that nowhere on either form is the term 'earned income' found," said LDWF assistant secretary Fred Prejean. "We had to define income, and we also had to be able to find a way that other fishermen who are a corporation or in partnership can establish and fulfill the income requirements."

Prejean said his staff believes it found a solution in allowing commercial fishermen to provide a statement from certified public accountants to qualify for the 50-percent income

rule in any and all sections of the new law that require proof of income as a qualifier.

"That's what goes into interpreting the new law and trying to be fair," Prejean said.

Mixed into the discussion was the buy-back section of the new law for gill nets, seines, trammel nets and fish trawls. Costs range from 25 cents per foot of gill net to \$11.22 per foot of trawl width. Prejean said finding a funding source will be difficult since the implementation of the additional \$3 on recreational saltwater license fees will not go into effect until November.

"It's important for the members of the Natural Resources committees to be here," said commissioner Jeff Schneider. "They had a battle over there (the Legislature) on this issue, and there's no need for the battle to be over here. It's important for us to get it right the first time."

The new law goes into effect Aug. 15, but several of the effective dates in its subparagraphs call for implementation dates over the next five months.

The LWFC also heard of a controversy brewing over another enacted law that requires a 1½-inch mesh in shrimp nets used in state waters.

Commercial shrimpers argued that their nets, no matter how well treated and preserved, shrink from their original size. Two shrimpers testified that if pressed by state enforcement agents most any net purchased as 1½-inch mesh could be found to have sections of net one-quarter of an inch smaller than required by the new law.

In other action, the commission approved the opening of the statewide fall inshore shrimp season to open at sunrise, Aug. 21; prohibited the use of crab traps in state waters in Sabine Lake for 14 days prior to Aug. 21; received a \$5,000 contribution from Louisiana Bass Hatchery for its therapeutic drug certification program; that public oyster see grounds will open at sunrise, Sept. 6; that Bay Junope Oyster See Reservation will remain closed to the public for the 1995-96 oyster season; and, set Dec. 7 for its meeting for that month.



## FINE POINTS/TRACK

## Johnson smokes field in 400 meters

American shoots for 200 win today

By BERT ROSENTHAL  
AP track writer

GOTEBORG, Sweden — Michael Johnson is halfway home, his goal of an unprecedented 400-200 double within reach at the World Championships.

Johnson, with a powerful move in the last 140 meters, ran away from the competition in winning the 400 meters on Wednesday in 43.39 seconds, the second-fastest time in history.

"I have to admit that I wanted to break the world record," said Johnson, who goes after the 200-meter title beginning Thursday. "But I'm very pleased with my time. I think I'll eventually break it."

Butch Reynolds, who finished second at 44.22 — nearly 8 meters behind, holds the world record of 43.29 set in 1988. Johnson gets another chance for the 400-meter record next Wednesday at Zurich, Switzerland, where he'll only have to run a final instead of three qualifying rounds and a final like he did here.

Darnell Hall, who finished sixth, predicted Johnson will set the record in Zurich.

"Michael can break the record any hour, any day, any time," Hall said. "In Zurich that record will fall."

It was Johnson's second consecutive 400 world title and he went under 44 seconds for a record eighth time. His effort dominated the competition on the fifth day of the championships.

John Godina, also attempting an unprecedented double, became the first American to win the shot put at the championships with a throw of 70 feet, 5 1/4 inches. He also qualified for Friday's 12-man discus final.

In other finals, Fernanda Ribeiro of Portugal outkicked Olympic champion Derartu Tulu of Ethiopia and won the 10,000 in 31:04.99, the fastest in the world this year, and Algerian Hassiba Boulmerka, the 1992 Olympic gold medalist, took the women's 1,500 in 4:02.42.

Meanwhile, two of the favorites in the women's heptathlon, Heike Drechsler and Sabine Braun, both of Germany, withdrew because of injuries sustained in the high jump. The leader after the first four events was Svetlana Moskalets of Russia with 3,941 points.

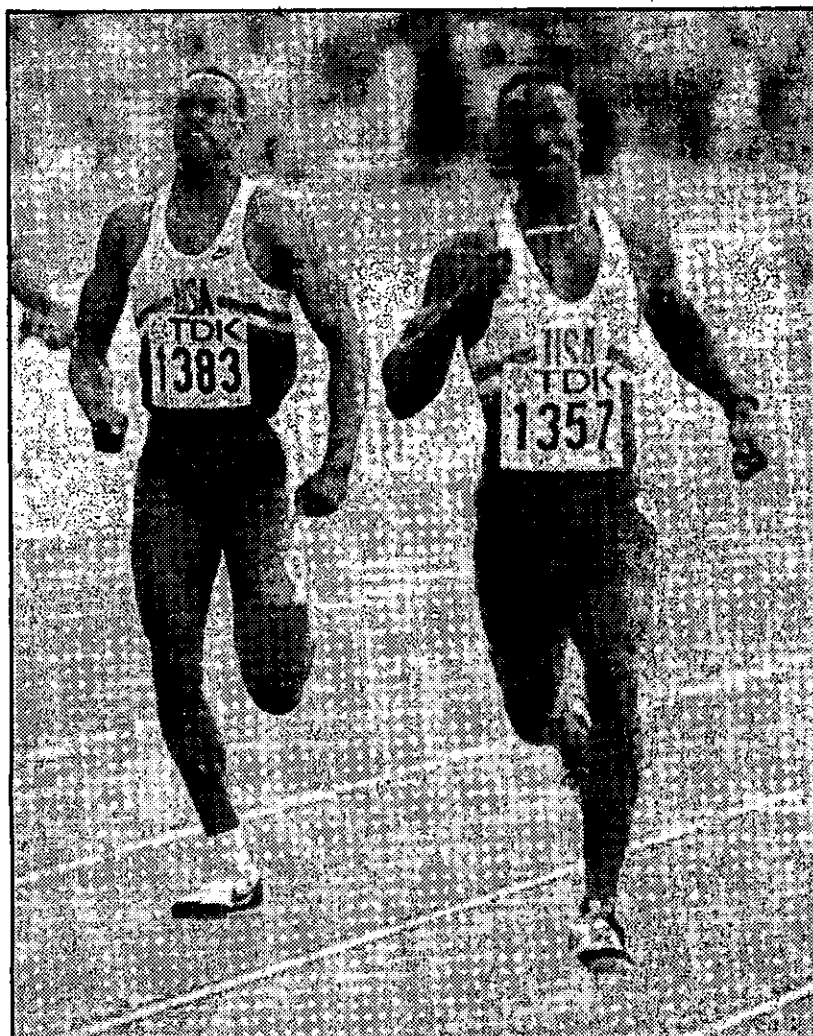
Ukraine's Sergei Bubka, the only athlete to win four individual golds in the same event in the first four championships and the world record-holder, qualified for Friday's pole vault final.

But it was still Johnson who dominated.

Reynolds, runner-up despite his best time of the year, also was impressed with Johnson's effort.

Asked if Johnson was unbeatable, Reynolds replied, "Without a doubt."

"I'm lucky I still have the world



Associated Press photo

Michael Johnson, right, powers to the finish line to outrun compatriot and world-record holder Butch Reynolds at the World Track and Field Championships Wednesday.

"My objective when I came here was to win two gold medals."

— Michael Johnson  
400-meter winner

record," he added.

Johnson was a little disappointed that he had come so close to the record without breaking it.

"When you're running that hard and know you can get the record, then look up at the clock and see 43.39, you'd almost rather see 43.7 or 43.8," Johnson said. "You think if I had run the first 150 meters just a little harder, or run the middle 150 a little faster, or run harder down the stretch, I could have gotten it."

"It excites me to do what no man has ever done."

What no man ever has done is win both the 200 and 400 at a World Championships or Olympics, and that is Johnson's goal this week. The first two rounds of the 200 are Thursday, with the semis and finals on Friday. He won the 200 in 1991.

If he wins both, it would strengthen his case with the International

Amateur Athletic Federation to rearrange the track schedule for the 1996 Olympics in order to give him an opportunity to sweep the two again.

At present, there is a conflict between both events. Johnson, who has been strongly campaigning for a schedule change, has insisted that he won't attempt a double at the Atlanta Games if the two events are not separated.

"My objective when I came here was to win two gold medals," Johnson said. "The fire is still burning. It gives me a lot more incentive to win the 200 after I didn't get the record. Maybe I'll get it in the 200."

The 200 record of 19.72 by Pietro Mennea of Italy in 1979 is the oldest on record. Johnson's best is 19.79, and he is unbeaten in 13 straight 200 finals.

In the 400, he went in supremely confident and controlled the race like an overwhelming favorite should.

"I felt like the only way I was going to lose the race was if I didn't do what I was supposed to do," said Johnson, who won his 46th consecutive final in the 400. "I didn't worry about the other runners. That way I could control my own destiny. I just feel very confident. There's nothing wrong with that. I train very hard."

## HORSE RACING

## EVANGELINE DOWNS ENTRIES

Thursday, August 10, 1995

Post Time: 6:45 p.m. Central

FIRST RACE — Purse \$3,800, 3 &amp; Up

Fillies &amp; Mares, (\$5,000), 6

Furlongs.

1. Kaiye Luck (K Melancon) .....122

2. Kicking High (Sonnier) .....119

3. Blade's Babe (LeBlanc) .....118

4. Bobbin Sort (P Melancon) .....118

5. Rockyhill Queen (Cahanin) .....115

6. Ramirez's Angel (Reyes) .....115

7. Women Power (H K Patin) .....115

8. Tassepe (Hernandez) .....115

9. Candy's Brisk (P Melancon) .....115

10. Cassop (Hernandez) (S Bourque) .....115

11. Cassidy's Brisk (P Melancon) .....115

12. Cassidy's Brisk (P Melancon) .....115

13. Cassidy's Brisk (P Melancon) .....115

14. Cassidy's Brisk (P Melancon) .....115

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17. Cassidy's Brisk (P Melancon) .....115

18. Cassidy's Brisk (P Melancon) .....115

19. Cassidy's Brisk (P Melancon) .....115

20. Cassidy's Brisk (P Melancon) .....115

3. Some Racer (LeBlanc) .....120

4. Chance The Rapids (B Patin) .....120

5. Wall Street Hero (B Theriot) .....120

6. Prairie Lea (K Melancon) .....120

7. Raise A Beam (Cahanin) .....120

8. PassenUpPrince (P Melancon) .....120

9. My Staree Man (Nichols) .....120

10. Ice Chest (Baird) .....120

11. Hashmark (Avant) .....120

12. Hot Shot John (S Bourque) .....120

13. Hot Shot John (S Bourque) .....120

14. Hot Shot John (S Bourque) .....120

15. Hot Shot John (S Bourque) .....120

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26. Hot Shot John (S Bourque) .....120

27. Hot Shot John (S Bourque) .....120

28. Hot Shot John (S Bourque) .....120

6. My Two Buddies (K Melancon) .....114

7. Pa Ta Sa (P Melancon) .....116

8. Tally Fuss (S Bourque) .....117

9. Tally Fuss (S Bourque) .....117

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29. Tally Fuss (S Bourque) .....117

30. Tally Fuss (S Bourque) .....117

5. Grey Elegans (Theriot) .....119

6. Flower Baby (LeBlanc) .....117

7. Villa's Project (Woodley) .....117

8. It's About Time (St. Julien) .....117

9. Miss Mud Bug (Avant) .....117

10. Miss Ruff Shuck (K Melancon) .....119

11. Better's Streak (Santos) .....117

12. Better's Streak (Santos) .....117

13. Better's Streak (Santos) .....117

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30. Better's Streak (Santos) .....117

Adv.

## SLU women's volleyball team on campus

HAMMOND — Southeastern Louisiana University volleyball players reported to campus Wednesday to begin their first practices.

The Lady Lions have won the Trans America Athletic Conference West Division title the last two years in a row. Last season the team finished 23-17 and 8-0 in conference play before falling to the College of Charleston in the semi-finals of the TAAC tournament.

"We're glad to have the girls here, said third-year head coach Roni Armada.

The season begins with the SLU Tournament September 1-2, featuring the Lady Lions, Nicholls State, Northeast Louisiana and Florida Atlantic.

## Covington's football coach Salter to retire

COVINGTON — Covington High football coach Jack Salter announced his plans to retire following the 1995 season on Tuesday.

Salter has compiled a record of 251-105-8 in 32 seasons. That total ranks 10th among Louisiana coaches.

In 1976, Covington won the Class 4A title and finished 15-0. The Lions had 4A runner-up finishes in 1975 and 1981. Salter's teams also have won 15 district titles.

## Brian Harris BMW donates tennis rackets

The United States Tennis Association's National Junior Tennis League chapter in Baton Rouge will be the beneficiary.

## Dizzy Dean game postponed

## Advocate news services

HAMMOND — The Dizzy Dean World Series losers' bracket game between Pascagoula, Miss., and Pensacola, Fla., was halted by lightning and heavy rain Wednesday night.

There was no score when play was stopped in the bottom of the sixth innings at Southeastern Louisiana's Alumni Stadium.

Pensacola was batting with one out

and a baserunner at first

Tournament officials sume the game later night at Oak Forest, Amite.

Pascagoula had 11 hits and Pensacola eight errors. Pensacola second baseman Brad Touchtone had a double.

The Pascagoula-Pensacola game was postponed.

## SPORTS FINE

## Advocate news services

## TRANSACTIONS

## BASEBALL

National League  
CINCINNATI REDS—Designated Rick Reed, pitcher, for assignment.

SAN FRANCISCO GIANTS—Extended the contract of Bob Quinn, general manager, through the 1996 season. Promoted Brian Sabean, assistant to the general manager, to senior vice president for player personnel.

## Carolina League

FREDERICK KEYS—Announced the resignation of Larry Martin, general manager, to become assistant athletic director for external affairs at Towson State.

## BASKETBALL

NEW YORK KNICKS—Named Don Chaney assistant coach.

## National Football League

NEW YORK GIANTS—Signed Tyrone Wheatley, running back, to a five-year contract.

SAN FRANCISCO 49ERS—Waived Tony Brooks, running back, and Mike Cook, wide receiver. Signed Forey Duckett, cornerback.

## TAMPA BAY BUCCANEERS—

Resigned Dedric Smith, wide receiver. Released Rodney Washington, line-backer.

## Canadian Football League

BALTIMORE STALLIONS—Signed Malcolm Snowell and Willie Whitehead, defensive tackles; Reggie Givens, line-backer; Derrick Griggs, cornerback; and Chris Siegfried, wide receiver, to the practice roster.

## HOCKEY

## National Hockey League

ANAHEIM MIGHTY DUCKS—Signed Bobby Dolan, defenseman, to a multi-year contract.

DALLAS STARS—Signed Patrick Cote, left wing, to a three-year contract.

FLORIDA PANTHERS—Released Joe Cirella and Brian Benning, defenseman, and Andrei Lomakin, left wing.

## Colonial Hockey League

BRANTFORD SMOKE—Traded Derek Gauthier, forward, to Thunder Bay for John East, defenseman.

MUSKEGON FURY—Named Bill Stewart coach.

## SOCCER

## Continental Indoor Soccer League

PITTSBURGH STINGERS—Named Adam Topolski assistant coach.

## TENNIS

## UNITED STATES TENNIS ASSOCIATION—

Named Jay Berger coach.

## COLLEGE

## HOCKEY EAST—

Named Edward McLaughlin media relations intern.

## NORTH ATLANTIC CONFERENCE—

Named Michael W. Hirschman communications assistant.

## ASSUMPTION—

Named Sean Doherty and Shawn Conrad men's assistant basketball coaches.

BUFFALO—Named Jim Belchiner wrestling coach.

CLARKSON—Named Tracy Cumming associate athletic director-senior women's administrator.

CLARKSON—Named Beth Kane women's basketball coach.

HAMILTON—Named Marc Simon sports information director.

MANHATTAN—Named Toma Golcovic men's assistant soccer coach.

NEW YORK TECH—Announced the resignation of Randy Cadot, assistant baseball coach. Named Scott Hatten



## Today's Sports

## TV

Noon	— Tennis, ATP Championship
12:30 p.m.	— PGA Championship
1 p.m.	— Padres at Cubs
6 p.m.	— Minors, Huntsville at Chicks
6:30 p.m.	— Track, World Championship
6:35 p.m.	— Reds at Braves
7:30 p.m.	— Auto Racing, Indy Thunder
8:30 p.m.	— Baseball Tonight
9:30 p.m.	— Track, World Championship
11:37 p.m.	— PGA Championship highlight

## Radio

6:40 p.m.	— Expos at Astros
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All times furnished by and subject to change

\*Available in limited cable areas; \*\*Same-day

## 12 advance to final

Group A — 1. Radion Gataullin, Russia, 18-8; 2. Igor Trandenkov, Russia, 18-8; 3. Scott Huffman, United States, 18-6; 4. Andrei Tiwontschik, Germany, 18-6; 5. Oskari Brits, South Africa, 18-6; 6. Trond Barthe, Norway, 18-2; 7. Patrik Stenlund, Sweden, 18-2; 8. Dmitriy Markov, Belarus, 17-8; 9. Nuno Fernandes, Portugal, 17-8; 10. Fotis Stefanis, Cyprus, 17-8; 11. Chulkyun Kim, Korea, 17-8; 12. Javier Garcia, Spain, 17-8; 13. James Miller, Australia, 17-0; 14. Aleksandr Korzhagin, Kazakhstan, 17-0; 15. Jean-Michel Godard, France, 17-0.

Group B — 1. Maksim Tarasov, Russia, 18-6; 2. Dean Starkey, United States, 18-6; 3. Sergey Bubka, Ukraine, 18-6; 4. Valeri Bukrejev, Estonia, 18-6; 5. Igor Potapovich, Kazakhstan, 18-8; 6. Tim Lobinger, Germany, 18-6; 7. Jean Gaffione, France, 18-2; 8. Heikki Vaaranemi, Finland, 18-2; 9. Istvan Bagyula, Hungary, 18-2; 10. Nick Buckfield, Britain, 18-2; 11. Peter Widen, Sweden, 17-8; 12. Rian Botha, South Africa, 17-8; 13. Simon Arkell, Australia, 17-8; 14. Domitien Mestre, Belgium, 17-0; 15. Aleksandr Zhukov, Moldova, 17-0; 16. Christos Pallakis, Greece, 17-0.

## Shot Put

Final

1. John Godina, United States, 70-5/8

2. Mika Halvari, Finland, 68-8/8

3. Randy Barnes, United States, 68-11/8

4. Aleksandr Bagach, Ukraine, 66-10/8

5. Brent Noon, United States, 66-0/8

6. Oliver-Sven Buder, Germany, 65-11/8

7. Roman Virastyuk, Ukraine, 64-6/8

8. Dmitriy Goncharuk, Belarus, 63-7/8

9. Paolo Dal Soglio, Italy, 63-7/8

10. Markus Koistinen, Finland, 63-5/8

11. Bilal Saad Mubarak, Qatar, 60-10/8

12. Aleksandr Klimentko, Ukraine, 59-11/8

13. Discus

## AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
August 9, 1995  
10:00 AM

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of July 6, 1995
- ✓ 3. Contribution by the Louisiana Bass Hatchery for Therapeutic Drug Certification - Pat Richardson
- ✓ 4. Shikar Safari Club International Agent of the Year Award - Bill Simmons
- ✓ 5. Removal of Aircraft Report from Agenda - Lee Caubarreaux
- ✓ 6. Discussion and Potential Reconsideration of 1995/96 Dove Season - Jeff Schneider
- ✓ 7. Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots) - Robert Helm/Dave Morrison
- ✓ 8. Shrimp Mesh Law Discussion - Glynn Carver
- ✓ 9. Declaration of Emergency for Setting 1995 Fall Inshore Shrimp Season - Brandt Savoie
- ✓ 10. Declaration of Emergency for Setting 1995-96 Oyster Season - ~~Ron Dugas~~ *Phil Bowman*
- ✓ 11. Declaration of Emergency on Rules for Taking Crabs in Sabine Lake - Brandt Savoie
- ✓ 12. Declaration(s) of Emergency and Notice(s) of Intent to Implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including but not limited to, regulations governing:
  - ✓ a. commercial fisherman's assistance program: proof of income and eligibility; schedule of payments for nets.
  - ✓ b. rod and reel commercial gear license: procedures for proof of income and eligibility.
  - ✓ c. gill nets, trammel nets, strike nets and seines; traverse permit to EEZ.
  - ✓ d. freshwater commercial gill nets and trammel nets: establishment of a marking system.

e. Federal Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement.

✓f. spotted seatrout: season(s) and entry of commercial fisherman into the fishery.

✓g. black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

✓h. mullet: regulations for taking; entry of commercial fisherman into the fishery.

✓i. any and all regulations necessary or pursuant to the above.

✓j. any and all other regulations required or authorized by Act 1316 of 1995.

✓13. National Hunting & Fishing Day Resolution - Bob Dennie

✓14. Removal of Civil Restitution/Class 1 Update from Agenda - Wynnette Kees

— 15. Enforcement Report/July - Winton Vidrine

✓16. Secretary's Report to the Commission - Joe Herring

✓17. Set December 1995 Meeting Date

✓18. Public Comments

19. Adjourn

Al Carver  
Ms. Carolyn Broussard  
Truman Elementary  
Lafayette

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# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

July 28, 1995

**MEMORANDUM:**

TO: Joe L. Herring, Secretary

FROM: Lee Caubarreux, Assistant Secretary *LC*

SUBJECT: Aviation Report - June 1995  
Total hours listed are:

PILOT		TOTAL HOURS	
G. Rackle	-	50.0	
B. Stamey	-	33.2	
M. Windham	-	15.7	
D. Clause	-	5.3	
TOTAL HOURS	-	104.20	

PLANE	FLIGHT HOURS	ESTIMATED <sup>1</sup> COST (TOTAL)	ACTUAL <sup>2</sup> COST (TOTAL)	COMMISSION METHOD
N61092 Amphib	- 27.9	3,267.93	2,306.09	5,829.71
70365 Float-DC	- 5.3	488.82	249.74	695.04
N2576K Float-MW	- 15.7	2,018.55	2,085.56	
N9467Y 210	- 25.5	2,849.37	4,187.10	5,273.66
N223MS Partenavia	- 19.3	3,032.42	1,640.76	5,258.86
N57266 Aero Commander	- 12.1			
TOTALS	105.80	11,657.09	10,469.25	17,057.27

<sup>1</sup>Estimated Cost is based on an historical average per flight hour.

<sup>2</sup>Actual Cost substitutes actual maintenance for the month for the average maintenance costs used in the previous figure. This is the only figure used in the calculation of estimated costs that varies significantly from month to month.

LGC:csg

cc: Debbie Unbehagen, Fiscal

JUNE 1995

PLANE: N223MS (PARTENAVIA)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
06/01/95	STAMEY	LFT-BR: return from maintenance	.7	-----
06/08/95	RACKLE	BR-MANY-BR: Toledo Bend federal project	2.0	A. Williams D. Lavergne B. McManus
06/09/95	STAMEY	BR-ALEX-BR: turkey tracking	3.5	M. Roy
06/12/95	STAMEY	BR-NEW IBERIA COASTAL ZONE-BR: photos, pelican nesting sites	5.6	G. Linscombe N. Kinler
06/13/95	STAMEY	BR-MIV-BR: general forest & storm damage Three Rivers, Red River, Sicily Island, Big Lake, Fisher Track WMA, Russell Sage WMA	5.2	K. Ribbeck
06/29/95	STAMEY	BR-MLV-BR: private land La. waterfowl project	2.3	J. Emfinger
		<b>TOTAL</b>	19.30	
PLANE: N9467Y (210)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
06/02/95	RACKLE	BR-ROCKEFELLER COASTAL-BR: meeting & mgmt. project survey	3.2	L. Caubarreaux
06/05/95	RACKLE	BR-MENA, ARK.: pick up aircraft from paint shop	1.5	W. Trisher, Dept. of Ag.
06/05/95	TRISHER	MENA, ARK.-BR: return aircraft	1.6	-----
06/06/96	RACKLE	BR-LEESVILLE-TOLEDO BEND-BR: cormorant survey	5.4	B. Vermillion D. Adams
06/07/95	RACKLE	BR-MONROE-LOCAL-BR: meeting in N. La.; cormorant survey	3.0	A. Williams F. Naomi D. Lavergne
06/08/95	STAMEY	BR-COASTAL ZONE-BR: LOOP pipeline survey	2.2	
06/08/95	STAMEY	BR-HOUMA: inspection repair	1.6	-----
06/22/95	RACKLE	NOUMA-NO: return from radio shop	.4	-----
06/26/95	RACKLE	NO-ROCKEFELLER COASTAL-NO: mottled duck survey	4.0	T. Hess B. Wilson
06/27/95	RACKLE	NO-COASTAL-NO: DNR permits	2.1	R. Latapie
06/27/95	RACKLE	NO-HOUMA: drop off at radio shop	.5	-----
		<b>TOTAL</b>	25.50	

PLANE: N70365 (FLOAT-DC)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
06/02/95	CLAUDE	NI-GRAND ISLE-NEW IBERIA: blue king complaint	1.2	G. Adams
06/27/95	CLAUDE	ARA-GRAND ISLE-NEW IBERIA: blue king complain	1.2	C. Pitre G. Adams
06/29/95	CLAUDE	GRAND ISLE: shrimp blocking complain	.8	C. Pitre G. Adams
06/30/95	CLAUDE	GRAND ISLE: shrimp blocking complain	2.1	C. Pitre G. Adams
		TOTAL	5.30	
PLANE: N61092 (AMPHIB)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
06/05/95	RACKLE	MENA, ARK-BR: return from paint shop	3.0	-----
06/07/95	RACKLE	BR-NO: return from maintenance & test fly	2.0	-----
06/14/95	RACKLE	NO-RICKEFELLER COASTAL-NO: 3D seismic project, mottled duck survey, enforcement	6.1	T. Hess B. Wilson J. Nunez R. Broussard Mobil Oil Pers.
06/16/95	RACKLE	NO-BR-ROCKEFELLER COASTAL-NO: 3D seismic & marsh mgmt. projects	4.5	L. Caubarreaux
06/21/95	RACKLE	NO-ATCHAFALAYA-MARSH ISLAND-COASTAL-NO: mutria damage assessment	5.5	G. Linscombe
06/22/95	RACKLE	NO-HOUMA: drop off at radio shop	.5	-----
06/27/95	RACKLE	HOUMA-NO: return from radio shop	.5	-----
06/28/95	RACKLE	NO-COASTAL-NO: pelican restoration & oyster seed ground shell planting	4.5	P. Vujnovich J. Herring C. Perret
06/30/95	RACKLE	NO-COASTAL-NO: DNR permits	1.3	T. Killeen
		TOTAL	27.90	
PLANE: N2576K (FLOAT-MW)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
06/01/95	WINDHAM	NO-PASS-A-LOUTRE WMA-NO: mottled duck banding, mineral activity, 3D seismic	2.6	B. Wilson R. Aycock, F&WS

06/07/95	WINDHAM	NO-PASS-A-LOUTRE WMA-NO: wma overflight and review	2.3	S. Hoachlander Penn. Game & Fish
06/14/95	WINDHAM	NO-PASSL-A-LOUTRE WMA: enforcement overflight and 3D seismic review	2.3	-----
06/14/95	WINDHAM	SALVADOR & POINT-AU-CHIEN WMA-NO: fish kill PAC, mineral overflight & enforcement overflight	2.0	M. Lambert
06/20/95	WINDHAM	NO-ROCKEFELLER: 3D seismic	2.5	-----
06/21/95	WINDHAM	ROCKEFELLER-NO: 3D seismic	1.7	-----
06/21/95	WINDHAM	NO-BLIND RIVER-SALVADOR WMA-NO: Salvador WMA reiew mgmt. activities	2.3	J. Tarver
		<b>TOTAL</b>	15.70	

**PLANE: N25766 (AERO COMMANDER)**

<b>DATE</b>	<b>PILOT</b>	<b>DESTINATION &amp; PURPOSE</b>	<b>HOURS</b>	<b>PASSENGERS</b>
06/03/95	STAMEY	BR-NEW IBERIA → JENNINGS-RUSTON-NASHVILLE, TN-ELKINS, W. VIRGINIA	5.7	G. Linscombe N. Kinler M. Edmunds
06/07/95	STAMEY	ELKINS, W. VIRGINIA → NASHVILLE-RUSTON-JENNINGS-NEW IBERIA-BR	6.4	G. Linscombe N. Kinler M. Edmunds
		<b>TOTAL</b>	12.10	

RESOLUTION  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
JULY 6, 1995

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, LA July 6, 1995.

WHEREAS, public hearings in Washington, D. C. have been held on early migratory bird season regulations that include dove, snipe, rail, gallinule, woodcock and teal, and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing early migratory bird season frameworks have been developed by the U. S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for migratory species that include season dates, bag limits, and shooting hours, and

WHEREAS, it is the statutory responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for these migratory species within constraints established by the U. S. Fish and Wildlife Service framework, now

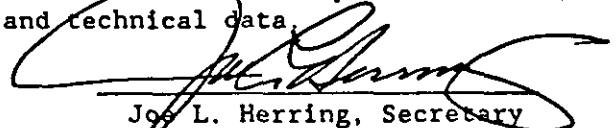
THEREFORE, BE IT RESOLVED that this Commission does hereby adopt those season dates for migratory birds which are attached and made part of this Resolution, subject to the following stipulations:

(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency and preparation of reports and correspondence to other agencies of government; and

(2) If significant changes occur as a result of changes in the framework established by the U. S. Fish and Wildlife service or for other reasons, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon the recommendations of Department staff, supported by biological and technical data.



Perry Gisclair, Chairman  
Louisiana Wildlife and  
Fisheries Commission



Joe L. Herring, Secretary  
Louisiana Department of  
Wildlife and Fisheries

WILDLIFE DIVISION RECOMMENDATIONS  
1995-96 Hunting Seasons  
FOR MIGRATORY BIRDS

DOVE: Split Season, Statewide, 70 days (Division's Recommendation)

September 2 (Sat.)-10 (Sun)	9 days
October 21 (Sat.)-November 20 (Mon.)	31 days
December 16 (Sat.)-January 14 (Sun.)	30 days
Daily bag limit 12, Possession Limit, 24	

OR

Split season, Statewide, 60 days

September 2 (Sat.)-September 10 (Sun.)	9 days
October 21 (Sat.)-November 12 (Sun.)	23 days
December 16 (Sat.)-January 12 (Fri.)	30 days
Daily bag limit 15, Possession Limit, 30	

TEAL: September 16 (Sat.)-September 24 (Sun.) 9 days  
Daily bag limit 4, Possession limit 8, Blue-winged, Green-winged and Cinnamon teal only. Federal and State waterfowl stamps required.

RAILS: Split Season

September 16 (Sat.)-September 24 (Sun.)	9 days
November 11 (Sat.)-January 10 (Sun.)	61 days

KING AND CLAPPER: Daily bag limit 15 in the aggregate, Possession 30.  
SORA AND VIRGINIA: Daily bag and possession 25 in the aggregate.

GALLINULES: Split season

September 16 (Sat.)-September 24 (Sun.)	9 days
November 11 (Sat.)-January 10 (Sun.)	61 days
Daily bag limit 15, Possession limit 30	

SNIFE: November 4 (Sat.)-February 18 (Sun.)  
Daily bag limit 8, Possession limit 16 107 days

WOODCOCK: November 28 (Tue.)-January 31 (Wed.) 65 days  
Daily bag limit 5, Possession 10

SHOOTING HOURS:

Teal, Rail, Snipe, Woodcock and Gallinule: One half hour before sunrise to sunset.

Dove: One half hour before sunrise to sunset except noon to sunset on Sept. 2-3, Oct. 21-22, and Dec. 16-17 when shooting hours will be 12:00 noon to sunset.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
August 9, 1995

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, August 9, 1995.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D. C., and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE, BE IT RESOLVED that this Commission does hereby adopt those season dates for ducks, coots and geese which are attached and made part of this Resolution, subject to the following stipulations:


(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency and preparation of reports and correspondence to other agencies of government; and

(2) If significant changes occur as a result of changes in the framework established by the U. S. Fish and Wildlife service or for other reasons, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon the recommendations of Department staff, supported by biological and technical data.

BE IT FURTHER RESOLVED that these dates will be forwarded to the U.S. Fish and Wildlife Service as regulations set for Louisiana's 1995-96 Migratory Bird Hunting Regulations.



Perry Gisclair, Chairman  
Louisiana Wildlife and  
Fisheries Commission



Joe L. Herring, Secretary  
Louisiana Department of  
Wildlife and Fisheries



## WILDLIFE DIVISION'S RECOMMENDATIONS

### FOR THE

### 1995-96 WATERFOWL SEASON (DUCKS, COOTS AND GEESE)

#### West Zone

November 11 (Sat) - December 3 (Sun.)	23 days
December 16 (Sat.) - January 11 (Thurs.)	27 days

#### East Zone

November 18 (Sat) - November 30 (Thurs.)	13 days
December 16 (Sat.) - January 21 (Sun.)	37 days

#### Catahoula Lake

November 18 (Sat) - November 30 (Thurs.)	13 days
December 16 (Sat.) - January 21 (Sun.)	37 days

#### Daily Bag Limits

The daily bag limit on ducks is 5 and may include no more than 4 mallards (no more than 1 of which may be a female), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail, 1 canvasback and 1 redhead. Daily bag limit on coots is 15.

**Mergansers** - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

**Possession Limit** - The possession limit on ducks, coots and mergansers is twice the daily bag limit.

#### GEESE:

#### STATEWIDE SEASON

November 11 (Sat.) - December 3 (Sun.)	23 days
December 16 (Sat.) - January 31 (Wed.)	47 days
February 1 (Thurs.) - February 25 (Sun.)	25 days

Daily bag limit is 10 in the aggregate of blue, snow and white-fronted geese of which not more than 2 may be white-fronted (specklebellies). During the last 25 days (Feb. 1- Feb. 25), only blue and snow geese may be taken. During the Canada Goose Season (Jan. 23-Jan. 31) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

Canada Goose Season - Jan. 23 -Jan. 31.

The Canada Goose Season will be statewide EXCEPT for a portion of southwest Louisiana. The area closed shall be described as follows:

That portion of Cameron and Vermillion parishes from the Texas state line south of Hwy. 82 to its junction with the Calcasieu Ship Channel, east of the Calcasieu Ship Channel to its junction with the Intracoastal Waterway, south of the Intracoastal Waterway to its junction with Hwy. 82 at Forked Island, west of Hwys. 82 and 3147 to the junction of Hwy. 3147 and Fresh water Bayou. Open waters of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward will also be closed to Canada goose hunting.

A special permit shall be required to participate in the Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from any District office.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1996 will result in the hunter not being allowed to participate in the Canada Goose Season the following year.

Shooting Hours: one half hour before sunrise to sunset.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
August 9, 1995

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, August 9, 1995.

- WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D. C., and
- WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and
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THEREFORE, BE IT RESOLVED that this Commission does hereby adopt those season dates for ducks, coots and geese which are attached and made part of this Resolution, subject to the following stipulations:

(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency and preparation of reports and correspondence to other agencies of government; and

(2) If significant changes occur as a result of changes in the framework established by the U. S. Fish and Wildlife service or for other reasons, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon the recommendations of Department staff, supported by biological and technical data.

BE IT FURTHER RESOLVED that these dates will be forwarded to the U.S. Fish and Wildlife Service as regulations set for Louisiana's 1995-96 Migratory Bird Hunting Regulations.

---

Perry Gisclair, Chairman  
Louisiana Wildlife and  
Fisheries Commission

---

Joe L. Herring, Secretary  
Louisiana Department of  
Wildlife and Fisheries

WILDLIFE DIVISION'S RECOMMENDATIONS

FOR THE

1995-96 WATERFOWL SEASON  
(DUCKS, COOTS AND GEESE)

West Zone

November 11 (Sat) - December 3 (Sun.)	23 days
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That portion of Cameron and Vermillion parishes from the Texas state line south of Hwy. 82 to its junction with the Calcasieu Ship Channel, east of the Calcasieu Ship Channel to its junction with the Intracoastal Waterway, south of the Intracoastal Waterway to its junction with Hwy. 82 at Forked Island, west of Hwys. 82 and 3147 to the junction of Hwy. 3147 and Fresh water Bayou. Open waters of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward will also be closed to Canada goose hunting.

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Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1996 will result in the hunter not being allowed to participate in the Canada Goose Season the following year.

**Shooting Hours:** one half hour before sunrise to sunset.



RICHARD P. IYOUS  
ATTORNEY GENERAL

**State of Louisiana**  
**DEPARTMENT OF JUSTICE**  
**Baton Rouge**  
**70804-9095**

P.O. BOX 94095  
Tel.: (504) 342-4604  
Fax: (504) 342-3885

AUGUST 03 1995

**OPINION NUMBER 95-309**

Honorable Randall E. Roach  
State Representative  
State of Louisiana  
Post Office Box 4983  
Lake Charles, LA 70606

12-C- Wildlife & Fisheries Commission  
LA. Const. art. IX, §§1&7  
R.S. 56:8(38)  
R.S. 56:499(b)

R.S. 56:6(25)  
R.S. 56:8(64)

R.S. 56:6(25)(b)  
R.S. 56:8(89.1)

The minimum one and one-fourth inch mesh size allowed for shrimp trawls, skimmer nets, and butterfly nets is the mesh size of the net as the net is used and after the net has been tared, treated, or otherwise processed.

The Commission cannot adopt a rule allowing use of shrimp nets with a mesh size less than the one and one-fourth inch (1-1/4") stretched provided by statute.

Dear Representative Roach:

Our office is in receipt of your July 17, 1995 memorandum in which you request an Attorney General's Opinion of whether the Louisiana Wildlife and Fisheries Commission ("Commission") has the authority to adopt an emergency rule in accordance with the Administrative Procedures Act to grant a tolerance for the mesh size for shrimp nets within the one and one-eighth inch to one and one-sixteenth inch measurement. In your request, you reference R.S. 56:6(25). This section allows the Commission to promulgate rules and regulations to, among other things, set size limits for all fish and wildlife. Once promulgated, these rules supersede limits currently set by law.

Article IX, Section 1 of the Louisiana Constitution provides:

The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy.

Article IX, Section 7 provides: "The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission". This section further states that "the functions, duties, and responsibilities of the Commission, and the compensation of its members, shall be provided by law."

Thus, the Constitution provides a balancing between the independent Wildlife and Fisheries Commissions control and supervision over the wildlife of the state and the

Honorable Randall E. Roach  
OPINION NUMBER 95-309  
Page -2-

legislature's ultimate responsibilities over the natural resources of the state. Given the language of Article IX that the functions, duties, and responsibilities of the Commission shall be as provided by law, the Commission's authority is subject to the direction of the legislature.<sup>1</sup>

Title 56 of the Louisiana revised statutes provides the general provisions for wildlife and fisheries. Through this title, the Louisiana legislature has enacted a legislative scheme for the taking of fish and wildlife. These specific provisions regulate certain activities regarding fish and wildlife and include several sections delineating the functions, duties, and responsibilities of the Commission.

R.S. 56:499(b) provides:

"No person shall take saltwater shrimp with any trawl, skimmer net, or butterfly net with a mesh size less than five-eighths of an inch square or one and one-fourth of an inch stretched. . . ."

R.S. 56:8(64) defines "mesh size" as:

". . . the full measure of the mesh as found in use when measured as follows: bar measure is the length of the full bar stretched from the near side of one knot to the far side of the other after being tarred, treated, or otherwise processed. Stretched measure is the full stretched distance from the near side of one knot to the far side of the opposite knot diagonally across the mesh. . . ."

It is clear from the reading of these two sections that the minimum one and one-fourth inch mesh size allowed for shrimp trawls, skimmer nets, and butterfly nets is the mesh size of the net as the net is used and after the net has been tarred, treated, or otherwise processed. Thus, a fisherman using a net with a mesh size less than one and one-fourth inch stretched, regardless of whether the net has been tarred, treated, or otherwise processed, is in violation of the law. A review of these sections and other relevant statutes also show that the legislature did not provide any tolerance for the measurement of the mesh size for shrimp nets.

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<sup>1</sup> *Aguillard v. Treen*, 440 So.2d 704 (La. 1983).

Honorable Randall E. Roach  
OPINION NUMBER 95-309  
Page -3-

In addition to the sections in title 56 providing for specific provisions regulating activities regarding fish, such as the sections listed above, there are several sections delineating the functions, duties, and responsibilities of the Commission. These include R.S. 56:6(25)(a) which provides:

"[The Commission] [s]hall promogate rules and regulations, subject to the provisions of the Administrative Procedure Act, to set seasons, times, places, size limits, quotas, daily take, and possession limits, based upon biological and technical data, for all wildlife and fish: . . . Any season, time, place, size, quota, daily take, or possession limit currently set by law shall be superseded upon promulgation by the Commission of new rules and regulations concerning a particular species. . . ."

(b) The provisions of this section shall not amend, supersede, or repeal any other provision of the law pertaining to fish as defined in R.S. 56:8(38).<sup>2</sup>

Subsection b specifically provides that a rule promulgated by the Commission may not supersede any other provision of law pertaining to fish. Thus, even if "mesh size" can be considered a "size limit", the Commission cannot adopt a rule allowing use of shrimp nets with a mesh size less than the one and one-fourth inch (1-1/4") stretched provided by statute.

I trust this opinion answers your questions. Should you need further assistance in this matter, please do not hesitate to contact our office.

Very truly yours,

RICHARD P. IEYOUB  
ATTORNEY GENERAL

BY:



FREDERICK C. WHITROCK  
Assistant Attorney General

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<sup>2</sup> R.S. 56:8(38) defines "fish" as all finfish, shellfish, and crustaceans. R.S. 56:8(89.1) defines "shellfish" to include shrimp.



**DECLARATION OF EMERGENCY**

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**WILDLIFE AND FISHERIES COMMISSION**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters, the Wildlife and Fisheries Commission does hereby set the 1995 Fall Inshore Shrimp Season to open as follows:

Zone 1, that portion of Louisiana's inshore waters from the Mississippi State line westward to the eastern shore of South pass of the Mississippi River, and

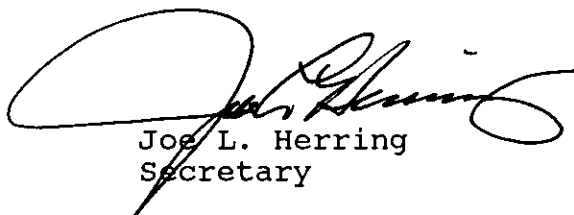
Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermillion Bay and Southwest Pass at Marsh Island, and

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermillion Bay and Southwest Pass at Marsh Island westward to the Texas State Line,

all to open at official sunrise Monday August 21, 1995.

The Commission also hereby sets the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday December 17, 1995 and grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

Perry Gisclair  
Chairman



Joe L. Herring  
Secretary

RESOLUTION

1995 Fall Inshore Shrimp Season  
adopted by the  
Louisiana Wildlife and Fisheries Commission

WHEREAS, R.S. 56:497 authorizes the Wildlife and Fisheries Commission to set no less than two shrimp seasons each calendar year for all inside waters by zone, and

WHEREAS, R.S. 56:497 states the shrimp seasons shall be based on biological and technical data which indicates that marketable shrimp are available, and

WHEREAS, R.S. 56:498 provides the minimum legal count on white shrimp is 100 (whole shrimp) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

WHEREAS, Historically the Fall Inshore "White" Shrimp Season opened on the third Monday in August, and

WHEREAS, Historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in all inshore shrimp zones will average 100 count minimum size or larger by mid August, and

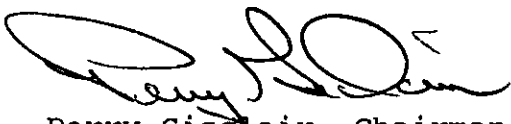
WHEREAS, In 1995 the third Monday in August will be August 21,

NOW THEREFORE BE IT RESOLVED, The Wildlife and Fisheries Commission does hereby set the 1995 Fall Inshore "White" Shrimp Season by public notice in accordance with R.S. 56:497, to open statewide at official sunrise Monday, August 21, 1995.

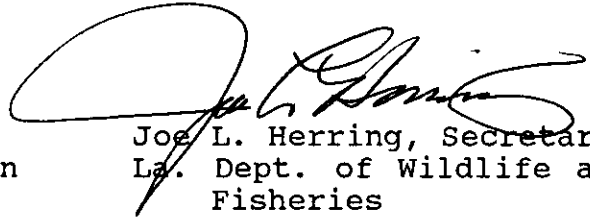
BE IT FURTHER RESOLVED, The Wildlife and Fisheries Commission does

hereby set the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday December 17, 1995 and grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1995 Fall Inshore "White" Shrimp Season is attached to and made a part of this resolution.



Perry Gisclair, Chairman  
Wildlife and Fisheries Commission



Joe L. Herring, Secretary  
La. Dept. of Wildlife and  
Fisheries

**DECLARATION OF EMERGENCY**

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**WILDLIFE AND FISHERIES COMMISSION**

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Zone 1, that portion of Louisiana's inshore waters from the Mississippi State line westward to the eastern shore of South pass of the Mississippi River, and

Zone 2, that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermillion Bay and Southwest Pass at Marsh Island, and

Zone 3, that portion of Louisiana's inshore waters from the western shore of Vermillion Bay and Southwest Pass at Marsh Island westward to the Texas State Line,

all to open at official sunrise Monday August 21, 1995.

The Commission also hereby sets the closing date for the 1995 Fall Inshore Shrimp Season at official sunset Sunday December 17, 1995 and grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing date if biological and technical data indicate the need to do so or if enforcement problems develop.

Perry Gisclair  
Chairman

Joe L. Herring  
Secretary

RESOLUTION

1995 Fall Inshore Shrimp Season  
adopted by the  
Louisiana Wildlife and Fisheries Commission

WHEREAS, R.S. 56:497 authorizes the Wildlife and Fisheries Commission to set no less than two shrimp seasons each calendar year for all inside waters by zone, and

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WHEREAS, R.S. 56:498 provides the minimum legal count on white shrimp is 100 (whole shrimp) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

WHEREAS, Historically the Fall Inshore "White" Shrimp Season opened on the third Monday in August, and

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Perry Gisclair, Chairman  
Wildlife and Fisheries Commission

Joe L. Herring, Secretary  
La. Dept. of Wildlife and  
Fisheries

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:433 and R.S. 56:435.1 notice is hereby given that the Secretary of the Department of Wildlife and fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The Public Oyster Seed Grounds not currently under lease, and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995.

2. The Bay Junope Oyster Seed Reservations will remain closed during the 1995-96 oyster season.

3. A designated sacking only area east of the Mississippi River will open one-half hour before sunrise on September 6, 1995. The sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Pt. to Pt. Gardner to Grace Pt. at the Mississippi River Gulf Outlet.

4. Those properly marked areas where shell was deposited for oyster cultch in Sister Lake will be closed to oyster dredging for the 1995/96 oyster season.

5. The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amount of shell in seed oyster loads.

6. The secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource subsides.

7. The Calcasieu and Sabine Lake tonging area will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days.

8. Notice of any opening, delaying or closing of a season will be made by public notice at lease 72 hours prior to such action.

Perry Gisclair  
Chairman

RESOLUTION

1995/96 Season on the Public Oyster Grounds  
Adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1995 is September 6, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" have been surveyed and the available supply and size variation has been determined, and
- WHEREAS,** it has been a managerial practice to rotate the opening of the season on some of the "Oyster Seed Reservations" when biologically feasible, and
- WHEREAS,** several sites have been utilized to deposit cultch material as a subsurface to attract oyster larvae and the areas are normally closed to dredging one year, and
- WHEREAS,** Act #46 of the 1992 Legislative Session changed R.S. 56:433B to mandate a sacking area only on the Public Grounds east of the Mississippi River inclusive of Plaquemines and St. Bernard Parishes.
- THEREFORE BE IT RESOLVED,** that the "Louisiana Public Oyster Seed Grounds" not currently under lease and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995, and
- BE IT FURTHER RESOLVED,** that the "Bay Junope Oyster Seed Reservations" will remain closed during the 1995/96 oyster season, and
- BE IT FURTHER RESOLVED,** that the sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet.
- BE IT FURTHER RESOLVED,** that those properly marked areas where shell was deposited for oyster cultch in the Sister Lake Oyster Seed Reservation will be closed to oyster dredging for the 1995/96 oyster season, and



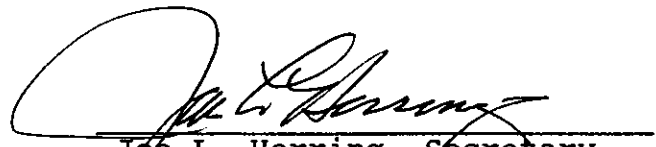
BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

BE IT FURTHER RESOLVED, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended, and

BE IT FURTHER RESOLVED, that the season for Calcasieu and Sabine Lake tonging areas will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days, and

BE IT FURTHER RESOLVED, notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

  
Perry Gisclair, Chairman  
Wildlife & Fisheries Commission

  
Joe L. Herring, Secretary  
Wildlife & Fisheries

## RESOLUTION

1995/96 Season on the Public Oyster Grounds  
Adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

- WHEREAS, R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1995 is September 6, and
- WHEREAS, the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservations" have been surveyed and the available supply and size variation has been determined, and
- WHEREAS, it has been a managerial practice to rotate the opening of the season on some of the "Oyster Seed Reservations" when biologically feasible, and
- WHEREAS, several sites have been utilized to deposit cultch material as a subsurface to attract oyster larvae and the areas are normally closed to dredging one year, and
- WHEREAS, Act #46 of the 1992 Legislative Session changed R.S. 56:433B to mandate a sacking area only on the Public Grounds east of the Mississippi River inclusive of Plaquemines and St. Bernard Parishes.
- THEREFORE BE IT RESOLVED, that the "Louisiana Public Oyster Seed Grounds", not currently under lease and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995 and
- BE IT FURTHER RESOLVED, that the "Bay Junope Oyster Seed Reservations" will remain closed during the 1995/96 oyster season, and
- BE IT FURTHER RESOLVED, that the sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Pt. to Pt. Gardner to Grace Pt. at the Mississippi River Gulf Outlet.
- BE IT FURTHER RESOLVED. that those properly marked areas where shell was deposited for oyster cultch in the Sister Lake Oyster Seed Reservation will be closed to oyster dredging for the 1995/96 oyster season, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

BE IT FURTHER RESOLVED, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended, and

BE IT FURTHER RESOLVED, that the season for Calcasieu and Sabine Lake tonging areas will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days, and

BE IT FURTHER RESOLVED, notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

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Perry Gisclair, Chairman  
Wildlife & Fisheries Commission

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Joe L. Herring, Secretary  
Wildlife & Fisheries

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:433 and R.S. 56:435.1 notice is hereby given that the Secretary of the Department of Wildlife and fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The Public Oyster Seed Grounds not currently under lease, and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise on September 6, 1995.

2. The Bay Junope Oyster Seed Reservations will remain closed during the 1995-96 oyster season.

3. A designated sacking only area east of the Mississippi River will open one-half hour before sunrise on September 6, 1995. The sacking only area of the public grounds is generally Lake Fortuna and Lake Machias to a line from Mozambique Pt. to Pt. Gardner to Grace Pt. at the Mississippi River Gulf Outlet.

4. Those properly marked areas where shell was deposited for oyster cultch in Sister Lake will be closed to oyster dredging for the 1995/96 oyster season.

5. The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amount of shell in seed oyster loads.

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7. The Calcasieu and Sabine Lake tonging area will open one-half hour before sunrise on November 1, 1995 and remain open until one-half hour after sunset on March 1, 1996 with the Secretary having the authority to extend to compensate for the health closure days.

8. Notice of any opening, delaying or closing of a season will be made by public notice at lease 72 hours prior to such action.

Perry Gisclair  
Chairman

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set seasons and R.S. 56:6(25)a which allows the Wildlife and Fisheries Commission to set seasons and places for the taking of fish and HCR 95 of the 1995 Regular Session of the Louisiana Legislature which directs the Commission to adopt rules regulating the use of crab traps in Sabine Lake, the Commission hereby adopts the following emergency rule:

The Louisiana Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the State waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season. All crab traps must be removed from the State waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6 am of the fifteenth day of the 1995 Fall Inshore Shrimp Season.

The Louisiana Wildlife and Fisheries Commission finds that due to the fact that crabbing with crab traps is regulated within the Texas portion of the waters of Sabine Lake, the crab traps within the Lake are concentrated within Louisiana's portion of the Lake and place an undue hardship on the shrimpers of that area.

Perry Gisclair, Chairman  
Wildlife and Fisheries Commission

Joe L. Herring, Secretary  
La. Dept. of Wildlife and  
Fisheries

RESOLUTION

Special Rule for the taking of Crabs on Sabine Lake  
adopted by the  
Louisiana Wildlife and Fisheries Commission

WHEREAS, R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act allow the Wildlife and Fisheries Commission to adopt emergency rules, and

WHEREAS, R.S. 56:6(25)a allows the Commission to promulgate rules and regulations governing the seasons and places for the taking of fish, and

WHEREAS, HCR 95 of the 1995 Regular Session of the Louisiana Legislature directs the Commission to establish rules relative to the taking of crabs by the use of crab traps within the waters of Sabine Lake, and

WHEREAS, The Commission finds that due to regulations regarding the use of crab traps in the Texas portion of Sabine Lake, the crab traps within the Lake are concentrated within Louisiana's portion of the Lake and place an undue hardship on the shrimpers of that area,

NOW THEREFORE BE IT RESOLVED, The Wildlife and Fisheries Commission does hereby establish the following emergency rule:  
The Louisiana Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the State waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season.  
All crab traps must be removed from the waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6 am of the fifteenth day of the 1995 Fall Inshore

Shrimp Season.

BE IT FURTHER RESOLVED, a Declaration of Emergency establishing  
this rule is attached to and made a part of this  
resolution.

A handwritten signature in black ink, appearing to read "Perry Gisclair".

Perry Gisclair, Chairman  
Wildlife and Fisheries Commission

A handwritten signature in black ink, appearing to read "Joe L. Herring".

Joe L. Herring, Secretary  
La. Dept. of Wildlife and  
Fisheries

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## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set seasons and R.S. 56:6(25)a which allows the Wildlife and Fisheries Commission to set seasons and places for the taking of fish and HCR 95 of the 1995 Regular Session of the Louisiana Legislature which directs the Commission to adopt rules regulating the use of crab traps in Sabine Lake, the Commission hereby adopts the following emergency rule:

The Louisiana Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the State waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season. All crab traps must be removed from the State waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6 am of the fifteenth day of the 1995 Fall Inshore Shrimp Season.

The Louisiana Wildlife and Fisheries Commission finds that due to the fact that crabbing with crab traps is regulated within the Texas portion of the waters of Sabine Lake, the crab traps within the Lake are concentrated within Louisiana's portion of the Lake and place an undue hardship on the shrimpers of that area.

Perry Gisclair, Chairman  
Wildlife and Fisheries Commission

Joe L. Herring, Secretary  
La. Dept. of Wildlife and  
Fisheries

RESOLUTION

Special Rule for the taking of Crabs on Sabine Lake  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
August 9, 1995

WHEREAS, R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedures Act allow the Wildlife and Fisheries Commission to adopt emergency rules, and

WHEREAS, R.S. 56:6(25)a allows the Commission to promulgate rules and regulations governing the seasons and places for the taking of fish, and

WHEREAS, HCR 95 of the 1995 Regular Session of the Louisiana Legislature directs the Commission to establish rules relative to the taking of crabs by the use of crab traps within the waters of Sabine Lake, and

WHEREAS, The Commission finds that due to regulations regarding the use of crab traps in the Texas portion of Sabine Lake, the crab traps within the Lake are concentrated within Louisiana's portion of the Lake and place an undue hardship on the shrimpers of that area,

NOW THEREFORE BE IT RESOLVED, The Wildlife and Fisheries Commission does hereby establish the following emergency rule:  
The Louisiana Wildlife and Fisheries Commission does hereby prohibit the taking of crabs by the use of crab traps within the State waters of Sabine Lake for a period of fourteen days beginning at sunset on the day prior to opening day of the 1995 Fall Inshore Shrimp Season.  
All crab traps must be removed from the waters of Sabine Lake by sunset of the day prior to the opening of the season and may not be returned to those same waters until 6 am of the fifteenth day of the 1995 Fall Inshore

Shrimp Season.

BE IT FURTHER RESOLVED, a Declaration of Emergency establishing  
this rule is attached to and made a part of this  
resolution.

Perry Gisclair, Chairman  
Wildlife and Fisheries Commission

Joe L. Herring, Secretary  
La. Dept. of Wildlife and  
Fisheries

8-09  
12:30

**DECLARATION OF EMERGENCY**

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:13.1.B.(1) adopts the rule set forth below. Act 1316 (The Louisiana Marine Resources Conservation Act of 1995) mandates the Department of Wildlife and Fisheries to provide economic assistance to those commercial fishermen who are displaced or severely financially impacted by the loss of the use of commercial fishing nets due to its enactment. Initial promulgation of this rule as a declaration of emergency is necessary because the Act establishes a deadline for implementation which predates the earliest date for promulgation of a final rule through non-emergency rule-making procedures. This declaration of emergency shall be effective on August 15, 1995, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission herein establishes procedures for determining proof of income of applicants for economic assistance under R.S. 56:13.1.

An applicant for economic assistance shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the years 1995, 1994, and 1993.

Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

**NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76  
WILDLIFE AND FISHERIES**

**PART XVI. COMMERCIAL FISHERMAN'S ASSISTANCE PROGRAM**

**CHAPTER 1. PROOF OF INCOME**

**SECTION 101. CRITERIA FOR ESTABLISHING PROOF OF INCOME AND PROCEDURES**

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish the procedures for determining proof of income of applicants for economic assistance under the Commercial Fisherman's Assistance Program established by the Louisiana Marine Resources Conservation Act of 1995 (Act 1316).

An applicant for economic assistance shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the years 1995, 1994, and 1993.

Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form

of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.B(1).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments until 4:30 p.m., October 2, 1995, to: Wynnette Kees, Fiscal Officer, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

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Perry Gisclair, Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:13.1.D. adopts the rule set forth below. This declaration of emergency is necessary because Act 1316 of the 1995 Legislature mandates the Department of Wildlife and Fisheries to adopt this rule no later than September 1, 1995, which is the effective date of this declaration of emergency. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Until January 1, 1996, the Department of Wildlife and Fisheries shall purchase from qualified persons those commercial fishing nets that have been rendered illegal or useless due to the enactment of the Louisiana Marine Resources Conservation Act of 1995 (Act 1316).

In order to qualify, persons must have applied for assistance under the Commercial Fisherman's Assistance Program (specifically the net buy-back portion of the program) on or before October 1, 1995, and must have met all of the following criteria: 1) must have purchased a saltwater gill net license in at least two of the years 1995, 1994, and 1993; 2) during two of those years shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species; 3) shall not have been convicted of any fishery-related offense that constitutes a class



three or greater violation; and 4) must have been a bona fide resident of Louisiana on June 30, 1995.

Proof of income shall be provided by the applicant in the form of a copy of his federal tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. The Department of Wildlife and Fisheries can provide the applicant with the appropriate Internal Revenue Service form to request this. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

Beginning August 15, 1995, qualified persons desiring to have their nets purchased by the Department of Wildlife and Fisheries may obtain an application form provided by the department from any departmental district office; the completed form shall include all information necessary to assist in the determination of the eligibility status of the applicant. All requested information regarding size, type and number of nets must be provided. The completed form, along with proof of income as described herein, a

copy of the applicants Louisiana driver's license, and copies of appropriate saltwater gill net licenses, shall be submitted no later than October 1, 1995, to the Commercial License Section of Wildlife and Fisheries located at 2000 Quail Drive, Baton Rouge, LA or by mail to P. O. Box 98000, Baton Rouge, LA 70898. Applicants will be notified by mail as to the disposition of their application.

Only those nets that were legal for use in the saltwater areas of this state on June 1, 1995, and only those nets in usable condition, will be eligible for purchase under the provisions of Act 1316 and this declaration of emergency.

Applicants must have had a gear license issued in their name for at least one of the years 1995, 1994, or 1993, for the specific type of net(s) being presented for purchase. This is in addition to the requirements for having a saltwater gill net license for two of the three years.

Monetary reimbursement for nets to be purchased under this declaration of emergency shall be determined based on the availability of funds collected from the issuance of the Louisiana Marine Resources Conservation Act Stamp. Funds collected through June 30, 1996, will be distributed as follows: thirty percent to the Enforcement Division of the Department in accordance with the Act, and the remaining seventy percent to be made available for the net buy-back portion of the Commercial Fisherman's Assistance Program. Subsequent to June, 1996, seventy percent of the revenue collected from the LMRC Stamp will be used for the remainder of the

Commercial Fisherman's Assistance Program as defined in Act 1316,  
R.S. 56:13.1.C.

The disbursement of available funds for nets shall be calculated on a pro rata basis to accommodate the number of qualified applicants at a rate not to exceed 50% of the average cost of each qualifying net. The following is a schedule of the maximum amount to be paid for each type and size of net based upon fifty percent of the average standard 1995 catalog prices not including sales tax, shipping charges, or options. Actual prices to be paid will be limited by the number of qualifying nets and by the amount of revenue collected.

<u>Mesh Depth</u>	<u>Gill Nets</u>	<u>Seines</u>
	<u>Price per foot</u>	<u>Price per foot</u>
4' - 6'	\$ .25	\$ .76
over 6' - 8'	\$ .30	\$ .80
over 8' - 10'	\$ .38	\$ .87
over 10' - 12'	\$ .42	\$ .92
over 12' - 14'	\$ .44	\$ .96
over 14'	\$ .53	\$ 1.02

<u>Trammel Nets</u>	
<u>Price per foot</u>	
4' - 6'	\$ .38
over 6' - 8'	\$ .40
over 8' - 10'	\$ .43
over 10'	\$ .45

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:305.B.(14)(b) adopts the rule set forth below. Initial promulgation of this rule as a declaration of emergency is necessary because Act 1316 (The Louisiana Marine Resources Conservation Act of 1995) mandates the Department of Wildlife and Fisheries to implement the Act effective August 15, 1995, which is the effective date of the declaration of emergency. It remains in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission herein establishes procedures relative to the proof of income of applicants for a saltwater commercial rod and reel gear license.

Each applicant shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

Proof of income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service and a copy of his state tax return which has been certified by the Louisiana Department of Revenue and Taxation. In the event that the certified copies of the tax returns, including Schedule C,

do not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 4. LICENSE AND LICENSE FEES

SECTION 405. SALTWATER COMMERCIAL ROD AND REEL LICENSE; PROOF OF INCOME

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish the procedures relative to the proof of income criteria for applicants for a saltwater commercial rod and reel license in accordance with the Louisiana Marine Resources Conservation Act of 1995 (Act 1316).

Each applicant shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

Proof of income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service and a copy of his state tax return which has been certified by the Louisiana Department of Revenue and Taxation. In the event that the certified copies of the tax returns, including Schedule C, do not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said

documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

AUTHORITY NOTE: Promulgated in accordance with 56:305.B.(14)(b).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments until 4:30 p.m., October 2, 1995, to: Wynnette Kees, Fiscal Officer, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

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Perry Gisclair, Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:305.5.B. and R.S. 56:320.2.E. adopts the rule set forth below. Promulgation of this rule as a declaration of emergency is necessary because Act 1316 (The Louisiana Marine Resources Conservation Act of 1995) mandates the Department of Wildlife and Fisheries to implement the Act effective August 15, 1995, which is the effective date of this declaration of emergency. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries hereby establish rules and regulations for the issuance of permits to persons authorized to possess gill nets, trammel nets, strike nets, and seines within the territorial boundaries of the state while traversing state waters to and from the federal exclusive economic zone, and to carry out the provisions of R.S. 320.1.

The Department of Wildlife and Fisheries is authorized to issue a Traversing Permit upon application to its Commercial License Section at the Baton Rouge office for a fee of \$250 for each permit. Application for permits must be made in person.



The Traversing Permit shall be valid for the calendar year of issue (January 1st through December 31st).

The captain or vessel owner shall only be required to have one Traversing Permit for any number of gill nets, trammel nets, strike nets, or seines. Each gear used in the waters of the federal exclusive economic zone (EEZ) shall be properly licensed. For licensing purposes, trammel nets, strike nets, and seines are required to be licensed as gill nets when used in the EEZ.

The possession of gill nets, trammel nets, strike nets, or seines on or aboard any vessel in the saltwater areas of the state is prohibited unless the captain or owner of the vessel has in his immediate possession upon the vessel a Traversing Permit as well as any other licenses as required by law.

While traversing state waters going to and from the waters of the federal exclusive economic zone, all gill nets, trammel nets, strike nets, and seines shall remain on board the vessel and shall not be used in state waters.

Harvest and possession of all fish pursuant to this permit is subject to all rules established by the Wildlife and Fisheries Commission relative to seasons, size limits, and quotas.

Vessels containing or transporting prohibited nets shall proceed as directly, continuously, and expeditiously as possible.

Permittees will be required to abide by all conditions as specified on the permits.

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 4. LICENSE AND LICENSE FEES

SECTION 403. TRAVERSING PERMIT

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish the rules and regulations for the issuance of Traversing Permits to persons authorized to possess gill nets, trammel nets, strike nets, and seines within the territorial boundaries of the state while traversing state waters to and from the federal exclusive economic zone.

The Department of Wildlife and Fisheries is authorized to issue a Traversing Permit upon application to its Commercial License Section at the Baton Rouge office for a fee of \$250 for each permit. Application for permits must be made in person.

The Traversing Permit shall be valid for the calendar year of issue (January 1st through December 31st).

The captain or vessel owner shall only be required to have one Traversing Permit for any number of gill nets, trammel nets, strike nets, or seines. Each gear used in the waters of the federal exclusive economic zone (EEZ) shall be properly licensed. For licensing purposes, trammel nets, strike nets, and seines are required to be licensed as gill nets when used in the EEZ. The possession of gill nets, trammel nets, strike nets, or seines on or aboard any vessel in the saltwater areas of the state is prohibited

unless the captain or owner of the vessel has in his immediate possession upon the vessel a Traversing Permit as well as any other licenses as required by law.

While traversing state waters going to and from the waters of the federal exclusive economic zone, all gill nets, trammel nets, strike nets, and seines shall remain on board the vessel and shall not be used in state waters.

Harvest and possession of all fish pursuant to this permit is subject to all rules established by the Wildlife and Fisheries Commission relative to seasons, size limits, and quotas.

Vessels containing or transporting prohibited nets shall proceed as directly, continuously, and expeditiously as possible.

Permittees will be required to abide by all conditions as specified on the permits.

**AUTHORITY NOTE:** Promulgated in accordance with 56:305.B. and 56:320.2.E.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments until 4:30 p.m., October 2, 1995, to: Wynnette Kees, Fiscal Officer, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

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Perry Gisclair, Chairman

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## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:13.1.B.(1) adopts the rule set forth below. Act 1316 (The Louisiana Marine Resources Conservation Act of 1995) mandates the Department of Wildlife and Fisheries to provide economic assistance to those commercial fishermen who are displaced or severely financially impacted by the loss of the use of commercial fishing nets due to its enactment. Initial promulgation of this rule as a declaration of emergency is necessary because the Act establishes a deadline for implementation which predates the earliest date for promulgation of a final rule through non-emergency rule-making procedures. This declaration of emergency shall be effective on August 15, 1995, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission herein establishes procedures for determining proof of income of applicants for economic assistance under R.S. 56:13.1.

An applicant for economic assistance shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the years 1995, 1994, and 1993.

Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

**NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76  
WILDLIFE AND FISHERIES**

**PART XVI. COMMERCIAL FISHERMAN'S ASSISTANCE PROGRAM**

**CHAPTER 1. PROOF OF INCOME**

**SECTION 101. CRITERIA FOR ESTABLISHING PROOF AND INCOME AND PROCEDURES**

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish the procedures for determining proof of income of applicants for economic assistance under the Commercial Fisherman's Assistance Program established by the Louisiana Marine Resources Conservation Act of 1995 (Act 1316).

An applicant for economic assistance shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the years 1995, 1994, and 1993.

Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records



which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.B(1).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments until 4:30 p.m., October 2, 1995, to: Wynnette Kees, Fiscal Officer, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

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Perry Gisclair, Chairman

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## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:305.B.(14)(b) adopts the rule set forth below. Initial promulgation of this rule as a declaration of emergency is necessary because Act 1316 (The Louisiana Marine Resources Conservation Act of 1995) mandates the Department of Wildlife and Fisheries to implement the Act effective August 15, 1995, which is the effective date of the declaration of emergency. It remains in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission herein establishes procedures relative to the proof of income of applicants for a saltwater commercial rod and reel gear license.

Each applicant shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

Proof of income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service and a copy of his state tax return which has been certified by the Louisiana Department of Revenue and Taxation. In the event that the certified copy of the tax return, including Schedule C,

does not confirm the applicant's claim that more than fifty percent of the income was earned from the capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

**NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76  
WILDLIFE AND FISHERIES**

**PART VII. FISH AND OTHER AQUATIC LIFE**

**CHAPTER 4. LICENSE AND LICENSE FEES**

**SECTION 405. SALTWATER COMMERCIAL ROD AND REEL LICENSE; PROOF OF INCOME**

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish the procedures relative to the proof of income criteria for applicants for a saltwater commercial rod and reel license in accordance with the Louisiana Marine Resources Conservation Act of 1995 (Act 1316).

Each applicant shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

Proof of income shall be provided by the applicant in the form of a copy of his federal income tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service and a copy of his state tax return which has been certified by the Louisiana Department of Revenue and Taxation. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall

be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

AUTHORITY NOTE: Promulgated in accordance with 56:305.B.(14)(b).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries , Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments until 4:30 p.m., October 2, 1995, to: Wynnette Kees, Fiscal Officer, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

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Perry Gisclair, Chairman

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:13.1.D, adopts the rule set forth below. This declaration of emergency is necessary because Act 1316 of the 1995 Legislature mandates the Department of Wildlife and Fisheries to adopt this rule no later than September 1, 1995, which is the effective date of this declaration of emergency. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Until January 1, 1996, the Department of Wildlife and Fisheries shall purchase from qualified persons those commercial fishing nets that have been rendered illegal or useless due to the enactment of the Louisiana Marine Resources Conservation Act of 1995 (Act 1316).

In order to qualify, persons must have applied for assistance under the Commercial Fisherman's Assistance Program (specifically the net buy-back portion of the program) on or before October 1, 1995, and must have met all of the following criteria: 1) must have purchased a saltwater gill net license in at least two of the years 1995, 1994, and 1993; 2) during two of those years shall have derived more than fifty percent of his earned income from the legal capture and sale of seafood species; 3) shall not have been convicted of any fishery-related offense that constitutes a class

three or greater violation; and 4) must have been a bona fide resident of Louisiana on June 30, 1995.

Proof of income shall be provided by the applicant in the form of a copy of his federal tax return, including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. The Department of Wildlife and Fisheries can provide the applicant with the appropriate Internal Revenue Service form to request this. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect prepared by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Said documentation shall be in the form of records which the applicant would rely on to document his return to the Internal Revenue Service. Tax returns for at least two of the years 1995, 1994, and 1993 shall be provided by the applicant.

Beginning August 15, 1995, qualified persons desiring to have their nets purchased by the Department of Wildlife and Fisheries may obtain an application form provided by the department from any departmental district office; the completed form shall include all information necessary to assist in the determination of the eligibility status of the applicant. All requested information regarding size, type and number of nets must be provided. The completed form, along with proof of income as described herein, a

copy of the applicants Louisiana driver's license, and copies of appropriate saltwater gill net licenses, shall be submitted no later than October 1, 1995, to the Commercial License Section of Wildlife and Fisheries located at 2000 Quail Drive, Baton Rouge, LA or by mail to P. O. Box 98000, Baton Rouge, LA 70898. Applicants will be notified by mail as to the disposition of their application.

Only those nets that are legal for use in the saltwater areas of this state on June 1, 1995, and only those nets in usable condition, will be eligible for purchase under the provisions of Act 1316 and this declaration of emergency.

Applicants must have had a gear license issued in their name for at least one of the years 1995, 1994, or 1993, for the specific type of net(s) being presented for purchase. This is in addition to the requirements for having a saltwater gill net license.

Monetary reimbursement for nets to be purchased under this declaration of emergency shall be determined based on the availability of funds collected from the issuance of the Louisiana Marine Resources Conservation Act Stamp. Funds collected through June 30, 1996, will be distributed as thirty percent to the Enforcement Division of the Department in accordance with the Act, and the remaining seventy percent to be made available for the net buy-back portion of the Commercial Fisherman's Assistance Program. Subsequent to June, 1996, seventy percent of the revenue collected from the LMRC Stamp will be used for the remainder of the Commercial Fisherman's Assistance Program as defined in Act 1316,



R.S. 56:13.1.C.

The disbursement of available funds for nets shall be calculated on a pro rata basis to accommodate the number of qualified applicants at a rate not to exceed 50% of the average cost of each qualifying net. The following is a schedule of the maximum amount to be paid for each type and size of net based upon fifty percent of the average standard 1995 catalog prices not including sales tax, shipping charges, or options.

<u>Mesh Depth</u>	<u>Gill Nets</u>	<u>Seines</u>
	<u>Price per foot</u>	<u>Price per foot</u>
4' - 6'	\$ .25	\$ .76
over 6' - 8'	\$ .30	\$ .80
over 8' - 10'	\$ .38	\$ .87
over 10' - 12'	\$ .42	\$ .92
over 12' - 14'	\$ .44	\$ .96
over 14'	\$ .53	\$ 1.02

<u>Trammel Nets</u>	
<u>Price per foot</u>	
4' - 6'	\$ .38
over 6' - 8'	\$ .40
over 8' - 10'	\$ .43
over 10'	\$ .45

<u>Trawls</u>	
<del>Complete</del>	<del>\$11.22 per foot of trawl width</del>
<del>Trawl only</del>	<del>\$ 6.84 per foot of trawl width</del>

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

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## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 56:305.5.B. and R.S. 56:320.2.E. adopts the rule set forth below. Promulgation of this rule as a declaration of emergency is necessary because Act 1316 (The Louisiana Marine Resources Conservation Act of 1995) mandates the Department of Wildlife and Fisheries to implement the Act effective August 15, 1995, which is the effective date of this declaration of emergency. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries hereby establish rules and regulations for the issuance of permits to persons authorized to possess gill nets, trammel nets, strike nets, and seines within the territorial boundaries of the state while traversing state waters to and from the federal exclusive economic zone, and to carry out the provisions of R.S. 320.1.

The Department of Wildlife and Fisheries is authorized to issue a Traversing Permit upon application to its Commercial License Section at the Baton Rouge office and the New Orleans office for a fee of \$250 for each permit.

The Traversing Permit shall be valid for the calendar year of issue (January 1st through December 31st).

The captain or vessel owner shall only be required to have one Traversing Permit for any number of gill nets, trammel nets, strike nets, or seines. For licensing purposes, strike nets used in the EEZ shall be required to be licensed as gill nets.

The possession of gill nets, trammel nets, strike nets, or seines on or aboard any vessel in the saltwater areas of the state is prohibited unless the captain or owner of the vessel has in his immediate possession upon the vessel a Traversing Permit as well as any other licenses as required by law.

While traversing state waters going to and from the waters of the federal exclusive economic zone, all gill nets, trammel nets, strike nets, and seines shall remain on board the vessel and shall not be used in state waters.

Harvest and possession of all fish pursuant to this permit is subject to all rules established by the Wildlife and Fisheries Commission relative to seasons, size limits, and quotas.

Permittees shall be required to notify the Department prior to leaving to fish in the federal exclusive economic zone (EEZ) and shall give the approximate hour of departure and the general location where the fishing will take place.

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Joe L. Herring, Secretary

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Perry Gisclair, Chairman

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 4. LICENSE AND LICENSE FEES

SECTION 403. TRAVERSING PERMIT

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to establish the rules and regulations for the issuance of Traversing Permits to persons authorized to possess gill nets, trammel nets, strike nets, and seines within the territorial boundaries of the state while traversing state waters to and from the federal exclusive economic zone.

The Department of Wildlife and Fisheries is authorized to issue a Traversing Permit upon application to its Commercial License Section at the Baton Rouge office and the New Orleans office for a fee of \$250 for each permit.

The Traversing Permit shall be valid for the calendar year of issue (January 1st through December 31st).

The captain or vessel owner shall only be required to have one Traversing Permit for any number of gill nets, trammel nets, strike nets, or seines. For licensing purposes, strike nets when used in the EEZ shall be required to be licensed as gill nets.

The possession of gill nets, trammel nets, strike nets, or seines on or aboard any vessel in the saltwater areas of the state is prohibited unless the captain or owner of the vessel has in his immediate possession upon the vessel a Traversing Permit as well as

any other licenses as required by law.

While traversing state waters going to and from the waters of the federal exclusive economic zone, all gill nets, trammel nets, strike nets, and seines shall remain on board the vessel and shall not be used in state waters.

Harvest and possession of all fish pursuant to this permit is subject to all rules established by the Wildlife and Fisheries Commission relative to seasons, size limits, and quotas.

Permittees shall be required to notify the Department prior to leaving to fish in the federal exclusive economic zone (EEZ) and shall give the approximate hour of departure and the general location where the fishing will take place.

**AUTHORITY NOTE:** Promulgated in accordance with 56:305.B. and 56:320.2.E.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments until 4:30 p.m., October 2, 1995, to: Wynnette Kees, Fiscal Officer, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

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Perry Gisclair, Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Office of Fisheries

The Department of Wildlife and Fisheries is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(b), and pursuant to its authority under R.S. 56:320.F, adopts the rule set forth below.

Each gill net or trammel net used to take freshwater commercial fish shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than three feet from the edge of the webbing. Said tags shall be supplied by the commercial fisherman and shall be completely waterproof. Each tag shall have the fisherman's full name (no initials) and commercial fisherman's license number (not the net license number) printed thereon in the English language, so as to be clearly legible.

This declaration of emergency is necessary because Act 1316 of the 1995 Legislature mandates the Department of Wildlife and Fisheries to adopt this rule. The effective date of Act 1316 is August 15, 1995, which shall be the effective date of this declaration of emergency. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Joe L. Herring  
Secretary



## NOTICE OF INTENT

### Department of Wildlife and Fisheries Office of Fisheries

The Secretary of the Louisiana Department of Wildlife and Fisheries hereby advertises his intent to adopt a rule for marking gill and trammel nets used to take freshwater commercial fish.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 1. Freshwater Sport and Commercial Fishing

#### Section 181. Marking System for Freshwater Gill Nets and Trammel Nets

Each gill net or trammel net used to take freshwater commercial fish shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than three feet from the edge of the webbing. Said tags shall be supplied by the commercial fisherman and shall be completely waterproof. Each tag shall have the fisherman's full name (no initials) and commercial fisherman's license number (not the net license number) printed thereon in the English language, so as to be clearly legible.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:320(F).

**HISTORICAL NOTE:** Promulgated by the Louisiana Department of Wildlife and Fisheries, Office of Fisheries, L.R. .

Interested persons may submit written comments on the rule to Bennie J. Fontenot, Jr, Administrator, Inland Fisheries Division,

Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA  
70898-9000 no later than 4:30 PM, Friday, November 10, 1995.

Joe L. Herring  
Secretary

RESOLUTION

RULES FOR HARVEST OF SPOTTED SEATROUT

WHEREAS, the existing rule governing the harvest of spotted seatrout was promulgated in February, 1992, and

WHEREAS, Act 1316 of the 1995 Regular Legislative Session amends R.S.56:406, thereby directing changes in the seasons, gears, and licenses and permit requirements for commercial harvest of spotted seatrout, and

WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place upon the effective date of the legislation,

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish emergency rules and promulgate a notice of intent to amend the published regulations concerning the harvest of spotted seatrout.

BE IT FURTHER RESOLVED, that the complete copy of the Declaration of Emergency, Notice of Intent and proposed rule are attached to and made part of this resolution.

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Perry Gisclair, Chairman

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Joe L. Herring  
Secretary

Declaration of Emergency  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and pursuant to their authority under R.S. 56:6(10), 56:6(25)(a), 56:325.3, 56:326.3, and 56:325.3 as described in Act 1316 of the 1995 Regular Legislative Session, adopts the rule set forth below. This emergency rule is necessary because Act 1316 of the 1995 Regular Legislative Session mandates that the Commission establish rules for the implementation of the Louisiana Marine Resources Conservation act of 1995 for an effective date of August 15, 1995. This emergency rule shall be effective on August 15, 1995, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

1. The season for the commercial taking of spotted seatrout

shall begin at sunrise on the third Monday of November of each year, and close at sunset on the Sunday before the third Monday in November of the following year or when the quota has been reached or on the date projected by the staff of the department of wildlife and fisheries that the quota will be reached, whichever occurs first.

2. There shall be no commercial taking of spotted seatrout during the period after sunset and before sunrise.

3. The commercial quota for spotted seatrout shall be one million pounds for each fishing season.

4. Permits

a. The commercial taking of spotted seatrout is prohibited except by special non-transferable Spotted Seatrout Permit issued by the Department of Wildlife and Fisheries at the cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

i. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(ii). The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

(iii). The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(iv). The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the tenth of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

B. Commercial Taking of Spotted Seatrout Using Mullet Strike Nets, Seasons

1. There shall be two seasons for the commercial harvest of spotted seatrout with a mullet strike net: the first season shall open on Monday, November 20, 1995, and end no later than March 1, 1996; the second season shall open on Monday, November 18, 1996, and end no later than March 1, 1997. Such seasons shall be closed prior to the dates listed in this paragraph if (a) one million pounds of spotted seatrout have been taken commercially during a fishing season, or (b) on the date projected by the staff of the department of wildlife and

fisheries that the quota will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to the public.

2. During the 1995-1996 and 1996-1997 seasons for harvest of spotted seatrout with a mullet strike net, no other legal methods of harvest may be used until March 1 of each year (or season).

3. During these two seasons the commercial harvest of spotted seatrout with mullet strike nets shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of spotted seatrout during the period after sunset and before sunrise.

4. The commercial taking of spotted seatrout by using a mullet strike net in excess of one thousand two hundred feet in length is prohibited. Furthermore, use of more than one mullet strike net from any vessel at any time is prohibited, and use of monofilament strike nets is also prohibited.

5. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take spotted seatrout. The department shall not issue any tag to a person



who does not have a social security number.

C. Commercial Taking of Spotted Seatrout Using Rod and Reel

There shall be no commercial harvest of spotted seatrout with a commercial rod and reel if the commercial quota for spotted seatrout has been reached during the mullet strike net season. After the closure of the mullet strike net season, only a commercial rod and reel shall be used for the commercial harvest of spotted seatrout until the commercial quota has been reached.

D. General Provisions

Effective with the closure of the commercial season for spotted seatrout, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of spotted seatrout on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of spotted seatrout legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

**NOTICE OF INTENT**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 341) to amend the regulations governing the commercial harvest of spotted seatrout. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

1. The season for the commercial taking of spotted seatrout shall begin at sunrise on the third Monday of November of each year, and close at sunset on the Sunday before the third Monday in November of the following year or when the quota has been reached or on the date projected by the staff of the department of wildlife and fisheries that the quota will be

reached, whichever occurs first.

2. There shall be no commercial taking of spotted seatrout during the period after sunset and before sunrise.

3. The commercial quota for spotted seatrout shall be one million pounds for each fishing season.

4. Permits

a. The commercial taking of spotted seatrout is prohibited except by special non-transferable Spotted Seatrout Permit issued by the Department of Wildlife and Fisheries at the cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

(i). The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(ii). The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal

form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

(iii). The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(iv). The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the tenth of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

B. Commercial Taking of Spotted Seatrout Using Mullet Strike Nets, Seasons

1. There shall be two seasons for the commercial harvest of spotted seatrout with a mullet strike net: the first season shall open on Monday, November 20, 1995, and end no later than March 1, 1996; the second season shall open on Monday, November 18, 1996, and end no later than March 1, 1997. Such seasons shall be closed prior to the dates listed in this paragraph if (a) one million pounds of spotted seatrout have been taken commercially during a fishing season, or (b) on the date projected by the staff of the department of wildlife and fisheries that the quota will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to the public.

2. During the 1995-1996 and 1996-1997 seasons for harvest of spotted seatrout with a mullet strike net, no other legal methods of harvest may be used until March 1 of each year (or

season).

3. During these two seasons the commercial harvest of spotted seatrout with mullet strike nets shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of spotted seatrout during the period after sunset and before sunrise.

4. The commercial taking of spotted seatrout by using a mullet strike net in excess of one thousand two hundred feet in length is prohibited. Furthermore, use of more than one mullet strike net from any vessel at any time is prohibited, and use of monofilament strike nets is also prohibited.

5. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take spotted seatrout. The department shall not issue any tag to a person who does not have a social security number.

C. Commercial Taking of Spotted Seatrout Using Rod and Reel

There shall be no commercial harvest of spotted seatrout with a commercial rod and reel if the commercial quota for spotted seatrout has been reached during the mullet strike net season. After the closure of the mullet strike net season, only a commercial rod and reel shall be used for the commercial

harvest of spotted seatrout until the commercial quota has been reached.

#### D. General Provisions

Effective with the closure of the commercial season for spotted seatrout, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of spotted seatrout on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of spotted seatrout legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended, Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R.22:\_\_\_\_ (\_\_\_\_, 1996).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Harry Blanchet, Marine Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to November 2, 1995.



**Rule**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 341) to amend the regulations governing the commercial harvest of spotted seatrout. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

1. The season for the commercial taking of spotted seatrout shall begin at sunrise on the third Monday of November of each year, and close at sunset on the Sunday before the third Monday in November of the following year or when the quota has been reached or on the date projected by the staff of the department of wildlife and fisheries that the quota will be

reached, whichever occurs first.

2. There shall be no commercial taking of spotted seatrout during the period after sunset and before sunrise.

3. The commercial quota for spotted seatrout shall be one million pounds for each fishing season.

4. Permits

a. The commercial taking of spotted seatrout is prohibited except by special non-transferable Spotted Seatrout Permit issued by the Department of Wildlife and Fisheries at the cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

(i). The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

(ii). The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal

form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

(iii). The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

(iv). The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each Spotted Seatrout Permit holder shall, on or before the tenth of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month, and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed, even if catch or effort is zero.

B. Commercial Taking of Spotted Seatrout Using Mullet Strike Nets, Seasons

1. There shall be two seasons for the commercial harvest of spotted seatrout with a mullet strike net: the first season shall open on Monday, November 20, 1995, and end no later than March 1, 1996; the second season shall open on Monday, November 18, 1996, and end no later than March 1, 1997. Such seasons shall be closed prior to the dates listed in this paragraph if (a) one million pounds of spotted seatrout have been taken commercially during a fishing season, or (b) on the date projected by the staff of the department of wildlife and fisheries that the quota will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to the public.

2. During the 1995-1996 and 1996-1997 seasons for harvest of spotted seatrout with a mullet strike net, no other legal methods of harvest may be used until March 1 of each year (or

season).

3. During these two seasons the commercial harvest of spotted seatrout with mullet strike nets shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of spotted seatrout during the period after sunset and before sunrise.

4. The commercial taking of spotted seatrout by using a mullet strike net in excess of one thousand two hundred feet in length is prohibited. Furthermore, use of more than one mullet strike net from any vessel at any time is prohibited, and use of monofilament strike nets is also prohibited.

5. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take spotted seatrout. The department shall not issue any tag to a person who does not have a social security number.

C. Commercial Taking of Spotted Seatrout Using Rod and Reel

There shall be no commercial harvest of spotted seatrout with a commercial rod and reel if the commercial quota for spotted seatrout has been reached during the mullet strike net season. After the closure of the mullet strike net season, only a commercial rod and reel shall be used for the commercial

harvest of spotted seatrout until the commercial quota has been reached.

D. General Provisions

Effective with the closure of the commercial season for spotted seatrout, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of spotted seatrout on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of spotted seatrout legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended, Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R.22:\_\_\_\_ (\_\_\_\_, 1996).

RESOLUTION

RULES FOR HARVEST OF BLACK DRUM, SHEEPSHEAD AND FLOUNDER

WHEREAS, the existing rule governing the harvest of black drum was promulgated in August, 1990, and

WHEREAS, Act 1316 of the 1995 Regular Legislative Session amends R.S.56:406, thereby directing changes in the seasons, gears, and licenses and permit requirements for commercial harvest of black drum, sheepshead and flounder, and

WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place upon the effective date of the legislation,

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish emergency rules and promulgate a notice of intent to amend the published regulations concerning the harvest of black drum, sheepshead and flounder.

BE IT FURTHER RESOLVED, that the complete copy of the Declaration of Emergency, Notice of Intent and proposed rule are attached to and made part of this resolution.

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Perry Gisclair, Chairman

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Joe L. Herring  
Secretary

**Declaration of Emergency  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and pursuant to their authority under R.S. 56:6(10), 56:6(25)(a), 56:326.1, 56:326.3, and 56:325.4 as described in Act 1316 of the 1995 Regular Legislative Session, adopts the rule set forth below. This emergency rule is necessary because Act 1316 of the 1995 Regular Legislative Session mandates that the Commission establish rules for the implementation of the Louisiana Marine Resources Conservation act of 1995 for an effective date of August 15, 1995. This emergency rule shall be effective on August 15, 1995, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission herein establishes rule and regulations governing the harvest of black drum, flounder and sheepshead.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 331. Black Drum, Flounder and Sheepshead: Size Limits, Daily Take, Possession Limits, Quotas and Special Permit Requirements



A. Black Drum

1. Recreational Size and Take Limits

a. The daily take and possession limit for black drum caught recreationally within or without Louisiana waters shall be five (5) fish per day and in possession.

b. The minimum legal size for the recreational taking of black drum shall be sixteen (16) inches total length.

c. The maximum legal size for the recreational taking of black drum shall be twenty-seven (27) inches total length; provided however that recreational fishermen shall be allowed to take and possess one black drum per day over twenty-seven inches.

2. Commercial Size and Take Limits

a. The minimum legal size for the commercial taking of black drum shall be sixteen (16) inches total length.

b. The commercial quota for sixteen (16) to twenty-seven (27) inch black drum shall be 3,250,000 pounds for each fishing season.

c. The commercial quota for black drum over twenty-seven (27) inches shall be 300,000 fish for each fishing season.

### 3. Seasons and Closures

The season for the commercial taking of black drum shall begin on September 1 of each year, and close on August 31 of the following year or when the quota(s) has been reached or on the date projected by the staff of the department of wildlife and fisheries that the quota(s) will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to the public.

(B)

#### Sheepshead

##### 1. Commercial Size Limits

The minimum legal size for the commercial taking of sheepshead shall be ten (10) inches total length.

(C)

#### Permit for Commercial Harvest of Black Drum, Sheepshead and Flounder - Restricted Species Permit

1. The commercial taking of black drum, sheepshead and flounder, hereinafter designated as Restricted Species, is prohibited except by special permit issued by the Department of Wildlife and Fisheries.

2. No person shall be issued a Restricted Species Permit unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

c. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

d. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

3. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any Restricted Species Permit and shall be forever barred from receiving any such permit in the future.

4. Each Restricted Species Permit holder shall on or before the tenth of each month file a return to the department on forms provided or approved for the purpose, the pounds of black drum from sixteen (16) to twenty-seven (27) inches, the number of black drum over twenty-seven (27) inches, the pounds of sheepshead and the pounds of flounder taken commercially during the preceding month, the gears used for harvest, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

D. General Provisions

Effective with the closure of a commercial season for a restricted species, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of that species on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of fish legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

**NOTICE OF INTENT**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 331) to amend the regulations governing the commercial harvest of black drum, flounder and sheepshead. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in R.S. 56:6(10); 56:6(25)(a); 56:326.1; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 331. Black Drum, Flounder and Sheepshead: Size Limits, Daily Take, Possession Limits, Quotas and Special Permit Requirements

A. Black Drum

1. Recreational Size and Take Limits

a. The daily take and possession limit for black drum caught recreationally within or without Louisiana waters shall be five (5) fish per day and in possession.

b. The minimum legal size for the recreational taking of

black drum shall be sixteen (16) inches total length.

c. The maximum legal size for the recreational taking of black drum shall be twenty-seven (27) inches total length; provided however that recreational fishermen shall be allowed to take and possess one black drum per day over twenty-seven inches.

2. Commercial Size and Take Limits

a. The minimum legal size for the commercial taking of black drum shall be sixteen (16) inches total length.

b. The commercial quota for sixteen (16) to twenty-seven (27) inch black drum shall be 3,250,000 pounds for each fishing season.

c. The commercial quota for black drum over twenty-seven (27) inches shall be 300,000 fish for each fishing season.

3. Seasons and Closures

The season for the commercial taking of black drum shall begin on September 1 of each year, and close on August 31 of the following year or when the quota(s) has been reached or on the date projected by the staff of the department of wildlife and fisheries that the quota(s) will be reached, whichever occurs first. The closure

shall not take effect for at least seventy-two (72) hours after notice to the public.

B. Sheepshead

1. Commercial Size Limits

The minimum legal size for the commercial taking of sheepshead shall be ten (10) inches total length.

C. Permit for Commercial Harvest of Black Drum, Sheepshead and Flounder - Restricted Species Permit

1. The commercial taking of black drum, sheepshead and flounder, hereinafter designated as Restricted Species, is prohibited except by special permit issued by the Department of Wildlife and Fisheries.

2. No person shall be issued a Restricted Species Permit unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal

income tax return including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

c. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

d. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

3. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any Restricted Species Permit and shall be forever barred from receiving any such permit in the future.

4. Each Restricted Species Permit holder shall on or before the tenth of each month file a return to the department on forms provided or approved for the purpose, the pounds of



black drum from sixteen (16) to twenty-seven (27) inches, the number of black drum over twenty-seven (27) inches, the pounds of sheepshead and the pounds of flounder taken commercially during the preceding month, the gears used for harvest, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

D. General Provisions

Effective with the closure of a commercial season for a restricted species, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of that species on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of fish legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

AUTHORITY NOTE: Promulgated in accordance with 56:6(10), 56:6(25)(a); 56:326.1; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:698 (August 1990); revised L.R.22:\_\_\_ (\_\_\_ 1996)

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Harry Blanchet, Marine Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to November 2, 1995.

**RULE**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 331) to amend the regulations governing the commercial harvest of black drum, flounder and sheepshead. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in R.S. 56:6(10); 56:6(25)(a); 56:326.1; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 331. Black Drum, Flounder and Sheepshead: Size Limits, Daily Take, Possession Limits, Quotas and Special Permit Requirements

A. Black Drum

1. Recreational Size and Take Limits

a. The daily take and possession limit for black drum caught recreationally within or without Louisiana waters shall be five (5) fish per day and in possession.

b. The minimum legal size for the recreational taking of

black drum shall be sixteen (16) inches total length.

c. The maximum legal size for the recreational taking of black drum shall be twenty-seven (27) inches total length; provided however that recreational fishermen shall be allowed to take and possess one black drum per day over twenty-seven inches.

2. Commercial Size and Take Limits

a. The minimum legal size for the commercial taking of black drum shall be sixteen (16) inches total length.

b. The commercial quota for sixteen (16) to twenty-seven (27) inch black drum shall be 3,250,000 pounds for each fishing season.

c. The commercial quota for black drum over twenty-seven (27) inches shall be 300,000 fish for each fishing season.

3. Seasons and Closures

The season for the commercial taking of black drum shall begin on September 1 of each year, and close on August 31 of the following year or when the quota(s) has been reached or on the date projected by the staff of the department of wildlife and fisheries that the quota(s) will be reached, whichever occurs first. The closure

shall not take effect for at least seventy-two (72) hours after notice to the public.

B. Sheepshead

1. Commercial Size Limits

The minimum legal size for the commercial taking of sheepshead shall be ten (10) inches total length.

C. Permit for Commercial Harvest of Black Drum, Sheepshead and Flounder - Restricted Species Permit

1. The commercial taking of black drum, sheepshead and flounder, hereinafter designated as Restricted Species, is prohibited except by special permit issued by the Department of Wildlife and Fisheries.

2. No person shall be issued a Restricted Species Permit unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal

income tax return including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

c. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

d. The applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

3. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any Restricted Species Permit and shall be forever barred from receiving any such permit in the future.

4. Each Restricted Species Permit holder shall on or before the tenth of each month file a return to the department on forms provided or approved for the purpose, the pounds of

black drum from sixteen (16) to twenty-seven (27) inches, the number of black drum over twenty-seven (27) inches, the pounds of sheepshead and the pounds of flounder taken commercially during the preceding month, the gears used for harvest, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

D. General Provisions

Effective with the closure of a commercial season for a restricted species, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of that species on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of fish legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

AUTHORITY NOTE: Promulgated in accordance with 56:6(10), 56:6(25)(a); 56:326.1; 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:698 (August 1990); revised L.R.22:\_\_\_ (\_\_\_ 1996)

## RESOLUTION

### RULES FOR HARVEST OF MULLET

WHEREAS, the existing rule governing the harvest of mullet was promulgated in January, 1995, and

WHEREAS, Act 1316 of the 1995 Regular Legislative Session amends R.S.56:406, thereby directing changes in the seasons, gears, and licenses and permit requirements for commercial harvest of mullet, and

WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place upon the effective date of the legislation,

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish emergency rules and promulgate a notice of intent to amend the published regulations concerning the harvest of mullet.

BE IT FURTHER RESOLVED, that the complete copy of the Declaration of Emergency, Notice of Intent and proposed rule are attached to and made part of this resolution.

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Perry Gisclair, Chairman

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Joe L. Herring  
Secretary



**Declaration of Emergency  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and pursuant to their authority under R.S. 56:6(25)(a), 56:326.3, and 56:333 as described in Act 1316 of the 1995 Regular Legislative Session, adopts the rule set forth below. This emergency rule is necessary because Act 1316 of the 1995 Regular Legislative Session mandates that the Commission establish rules for the implementation of the Louisiana Marine Resources Conservation act of 1995 for an effective date of August 15, 1995. This emergency rule shall be effective on August 15, 1995, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 343. Rules for Harvest of Mullet

A. Seasons

1. The season for the commercial taking of mullet shall

begin at sunrise of the third Monday in October of each year and close at sunset of the third Monday in January of the following year. Mullet may not be taken commercially at any time outside of this season.

2. Commercial harvest of mullet shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of mullet during the period after sunset and before sunrise.

B. Commercial Taking

1. Mullet may only be taken commercially with a mullet strike net, which may not be constructed of monofilament. The commercial taking of mullet by using a mullet strike net in excess of one thousand two hundred feet in length or by using more than one mullet strike net from any vessel at any time is prohibited.

2. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take mullet. The department shall not issue any tag to a person who does not have a social security number.

C. Commercial Limits: During the season, there shall be no

daily take or possession limit for the commercial harvest of mullet by properly licensed and permitted fishermen.

D. Recreational Limits: The daily take and possession limit for recreational harvest of mullet shall be 100 pounds per person per day.

E. Permits

1. The commercial taking of mullet is prohibited except by special permit issued by the Department of Wildlife and Fisheries at the cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal form

1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

c. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

3. No person shall receive more than one permit or license to commercially take mullet.

4. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take mullet and shall be forever barred from receiving any permit or license to commercially take mullet.

5. Each Mullet Permit holder shall, on or before the tenth of each month of the open season, submit an

information return to the department on forms provided or approved for this purpose, including the pounds of mullet taken commercially during the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

F. General Provisions : Effective with the closure of the commercial season for mullet, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of mullet on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of spotted seatrout legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

G. In addition, all provisions of R.S. 56:333(C) are hereby adopted and incorporated into this rule.

**NOTICE OF INTENT**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 343) to amend the regulations governing the commercial harvest of mullet. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included R.S. 56:6(25)(a); 56:326.3; 56:333; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 343. Rules for Harvest of Mullet

A. Seasons

1. The season for the commercial taking of mullet shall begin at sunrise of the third Monday in October of each year and close at sunset of the third Monday in January of the following year. Mullet may not be taken commercially at any time outside of this season.

2. Commercial harvest of mullet shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on

Sunday. There shall be no commercial taking of mullet during the period after sunset and before sunrise.

B. Commercial Taking

1. Mullet may only be taken commercially with a mullet strike net, which may not be constructed of monofilament. The commercial taking of mullet by using a mullet strike net in excess of one thousand two hundred feet in length or by using more than one mullet strike net from any vessel at any time is prohibited.

2. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take mullet. The department shall not issue any tag to a person who does not have a social security number.

C. Commercial Limits: During the season, there shall be no daily take or possession limit for the commercial harvest of mullet by properly licensed and permitted fishermen.

D. Recreational Limits: The daily take and possession limit for recreational harvest of mullet shall be 100 pounds per person per day.

E. Permits

1. The commercial taking of mullet is prohibited except by special permit issued by the Department of Wildlife and Fisheries at the cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA



in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

c. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

3. No person shall receive more than one permit or license to commercially take mullet.

4. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take mullet and shall be forever barred from receiving any permit or license to commercially take mullet.

5. Each Mullet Permit holder shall, on or before the tenth of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of mullet taken commercially during the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

F. General Provisions : Effective with the closure of the commercial season for mullet, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of mullet on the waters of the state with commercial gear in

possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of spotted seatrout legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

G. In addition, all provisions of R.S. 56:333(C) are hereby adopted and incorporated into this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended L.R. 21:\_\_\_ (January, 1995), amended L.R. 22:\_\_\_ (\_\_\_\_\_, 1996).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Harry Blanchet, Marine Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to November 2, 1995.

**RULE**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 343) to amend the regulations governing the commercial harvest of mullet. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included R.S. 56:6(25)(a); 56:326.3; 56:333; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S. 343. Rules for Harvest of Mullet

A. Seasons

1. The season for the commercial taking of mullet shall begin at sunrise of the third Monday in October of each year and close at sunset of the third Monday in January of the following year. Mullet may not be taken commercially at any time outside of this season.

2. Commercial harvest of mullet shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on

Sunday. There shall be no commercial taking of mullet during the period after sunset and before sunrise.

B. Commercial Taking

1. Mullet may only be taken commercially with a mullet strike net, which may not be constructed of monofilament. The commercial taking of mullet by using a mullet strike net in excess of one thousand two hundred feet in length or by using more than one mullet strike net from any vessel at any time is prohibited.

2. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take mullet. The department shall not issue any tag to a person who does not have a social security number.

C. Commercial Limits: During the season, there shall be no daily take or possession limit for the commercial harvest of mullet by properly licensed and permitted fishermen.

D. Recreational Limits: The daily take and possession limit for recreational harvest of mullet shall be 100 pounds per person per day.

E. Permits

1. The commercial taking of mullet is prohibited except by special permit issued by the Department of Wildlife and Fisheries at the cost of one hundred dollars for residents of this state and four hundred dollars for those who are nonresidents.

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than fifty percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant in the form of a copy of his federal income tax return including Schedule C of federal form 1040, which has been certified by the Internal Revenue Service. In the event that the certified copy of the tax return, including Schedule C, does not confirm the applicant's claim that more than fifty percent of the income was earned from the legal capture and sale of seafood species, the applicant shall provide a certified, audited return to that effect which has been prepared and signed by a Certified Public Accountant (CPA) which includes copies of all documents relied upon by the CPA

in preparation of the audit. Tax returns for at least two of the years 1995, 1994 and 1993 shall be provided by the applicant.

c. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

3. No person shall receive more than one permit or license to commercially take mullet.

4. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take mullet and shall be forever barred from receiving any permit or license to commercially take mullet.

5. Each Mullet Permit holder shall, on or before the tenth of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of mullet taken commercially during the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

F. General Provisions : Effective with the closure of the commercial season for mullet, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of mullet on the waters of the state with commercial gear in

possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of spotted seatrout legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

G. In addition, all provisions of R.S. 56:333(C) are hereby adopted and incorporated into this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)a), 56:325.1, 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended L.R. 21:\_\_\_ (January, 1995), amended L.R. 22:\_\_\_ (\_\_\_\_\_, 1996).



RESOLUTION

RULES FOR HARVEST OF SALTWATER FINFISH SPECIES (OTHER THAN  
MULLET, SPOTTED SEATROUT AND RED DRUM)

WHEREAS, the existing regulations regarding the seasons and methods of harvest for all finfish species, not considered individually by Commission rules and State statutes have not historically been addressed, and

WHEREAS, Act 1316 of the 1995 Regular Legislative Session creates R.S.56:325.4, thereby directing changes in the seasons, gears, and license requirements for commercial harvest of all species of saltwater finfish, and

WHEREAS, it is important that the regulations specified in Act 1316 be clearly spelled out, so that fishermen will have a clear understanding of allowable methods and seasons for harvest, and

WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place upon the effective date of the legislation,

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish emergency rules and promulgate a notice of intent to promulgate regulations concerning the harvest of saltwater finfish species, other than those considered individually, such as mullet, spotted seatrout and red drum.

BE IT FURTHER RESOLVED, that the complete copy of the Declaration of Emergency, Notice of Intent and proposed rule are attached to and made part of this resolution.

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Perry Gisclair, Chairman

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Joe L. Herring  
Secretary

**Declaration of Emergency  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and pursuant to their authority under R.S. 56:6(10), 56:326.3, and 56:325.4 as described in Act 1316 of the 1995 Regular Legislative Session, adopts the rule set forth below. This emergency rule is necessary because Act 1316 of the 1995 Regular Legislative Session mandates that the Commission establish rules for the implementation of the Louisiana Marine Resources Conservation act of 1995 for an effective date of August 15, 1995. This emergency rule shall be effective on August 15, 1995, and shall remain in effect of r the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Wildlife and Fisheries Commission herein establishes rule and regulations governing the harvest of black drum, flounder and sheepshead, and rules and regulations governing methods of harvest for other saltwater finfish species (other than mullet, spotted seatrout and red drum).

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

~~S. 322~~ Seasons for Commercial Taking of Saltwater Finfish

Species (Other than Mullet, Spotted Seatrout and Red Drum)

A. Commercial Taking of Saltwater Finfish using Pompano Strike Nets

1. There shall be two seasons for the commercial harvest of all species of saltwater finfish (other than mullet, spotted seatrout and red drum) with a pompano strike net: the first season shall open on Monday October 16, 1995, and end with the closure of the mullet strike net season, but no later than March 1, 1996; the second season shall open on Monday October 21, 1996, and end with the closure of the mullet strike net season, but no later than March 1, 1997. A season for the taking of these species shall be closed prior to the dates listed in this paragraph if the commercial quota for that species has been taken, or on the date projected by the staff of the department of wildlife and fisheries that a quota will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to public.

2. During these two seasons the commercial harvest of these species with pompano strike nets shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of these species with pompano strike nets during the period after sunset and before sunrise.

3. The commercial taking of these species by using a pompano

strike net in excess of one thousand two hundred feet in length is prohibited. Furthermore, use of more than one pompano strike net from any vessel at any time is prohibited, and use of monofilament strike nets is also prohibited.

4. Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the Restricted Species Permit number, if applicable. The department shall not issue any tag to a person who does not have a social security number.

B. Commercial Taking of Saltwater Finfish Species using Other Commercial Gears

In addition to the commercial seasons for harvest of saltwater finfish (other than mullet, spotted seatrout and red drum) with pompano strike nets provided in Subsection A(1), above, these species may be commercially taken only by other legal methods provided by law, provided the applicable quota has not been reached, and provided that the applicable commercial season has not been closed.

C. General Provisions

Effective with the closure of a commercial season for a saltwater finfish species, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of that species on the waters of the state with commercial gear

in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of fish legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

**NOTICE OF INTENT**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 332) to amend the regulations governing the commercial harvest of saltwater finfish species, other than mullet, spotted seatrout, and red drum. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in R.S. 56:6(10); 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S.332 Seasons for Commercial Taking of Saltwater Finfish Species (Other than Mullet, Spotted Seatrout and Red Drum)

A. Commercial Taking of Saltwater Finfish using Pompano Strike Nets

1. There shall be two seasons for the commercial harvest of all species of saltwater finfish (other than mullet, spotted seatrout and red drum) with a pompano strike net: the first season shall open on Monday October 16, 1995, and end with the

closure of the mullet strike net season, but no later than March 1, 1996; the second season shall open on Monday October 21, 1996, and end with the closure of the mullet strike net season, but no later than March 1, 1997. A season for the taking of these species shall be closed prior to the dates listed in this paragraph if the commercial quota for that species has been taken, or on the date projected by the staff of the department of wildlife and fisheries that a quota will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to public.

2. During these two seasons the commercial harvest of these species with pompano strike nets shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of these species with pompano strike nets during the period after sunset and before sunrise.

3. The commercial taking of these species by using a pompano strike net in excess of one thousand two hundred feet in length is prohibited. Furthermore, use of more than one pompano strike net from any vessel at any time is prohibited, and use of monofilament strike nets is also prohibited.

4. Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the

Restricted Species Permit number, if applicable. The department shall not issue any tag to a person who does not have a social security number.

B. Commercial Taking of Saltwater Finfish Species using Other Commercial Gears

In addition to the commercial seasons for harvest of saltwater finfish (other than mullet, spotted seatrout and red drum) with pompano strike nets provided in Subsection A(1), above, these species may be commercially taken only by other legal methods provided by law, provided the applicable quota has not been reached, and provided that the applicable commercial season has not been closed.

C. General Provisions

Effective with the closure of a commercial season for a saltwater finfish species, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of that species on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of fish legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.



AUTHORITY NOTE: Promulgated in accordance with 56:6(10); 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:698 (August 1990); revised L.R.22:\_\_\_ (\_\_\_ 1996)

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Harry Blanchet, Marine Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to November 2, 1995.

**Rule**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

The Wildlife and Fisheries Commission does hereby promulgate a Rule (Title 76, Part VII, Ch. 3, Sec. 332) to amend the regulations governing the commercial harvest of saltwater finfish species, other than mullet, spotted seatrout, and red drum. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in R.S. 56:6(10); 56:326.3; and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

S.332 Seasons for Commercial Taking of Saltwater Finfish Species (Other than Mullet, Spotted Seatrout and Red Drum)

A. Commercial Taking of Saltwater Finfish using Pompano Strike Nets

1. There shall be two seasons for the commercial harvest of all species of saltwater finfish (other than mullet, spotted seatrout and red drum) with a pompano strike net: the first season shall open on Monday October 16, 1995, and end with the closure of the mullet strike net season, but no later than March 1, 1996; the second season shall open on Monday October

21, 1996, and end with the closure of the mullet strike net season, but no later than March 1, 1997. A season for the taking of these species shall be closed prior to the dates listed in this paragraph if the commercial quota for that species has been taken, or on the date projected by the staff of the department of wildlife and fisheries that a quota will be reached, whichever occurs first. The closure shall not take effect for at least seventy-two (72) hours after notice to public.

2. During these two seasons the commercial harvest of these species with pompano strike nets shall not be allowed during the period from 5:00 a.m. on Saturday through 6:00 p.m. on Sunday. There shall be no commercial taking of these species with pompano strike nets during the period after sunset and before sunrise.

3. The commercial taking of these species by using a pompano strike net in excess of one thousand two hundred feet in length is prohibited. Furthermore, use of more than one pompano strike net from any vessel at any time is prohibited, and use of monofilament strike nets is also prohibited.

4. Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the Restricted Species Permit number, if applicable. The department shall not issue any tag to a person who does not

have a social security number.

B. Commercial Taking of Saltwater Finfish Species using Other Commercial Gears

In addition to the commercial seasons for harvest of saltwater finfish (other than mullet, spotted seatrout and red drum) with pompano strike nets provided in Subsection A(1), above, these species may be commercially taken only by other legal methods provided by law, provided the applicable quota has not been reached, and provided that the applicable commercial season has not been closed.

C. General Provisions

Effective with the closure of a commercial season for a saltwater finfish species, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of that species on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of fish legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S.306.

AUTHORITY NOTE: Promulgated in accordance with 56:6(10); 56:326.3; and Act 1316 of the 1995 Regular Legislative Session,

R.S. 56:325.4.

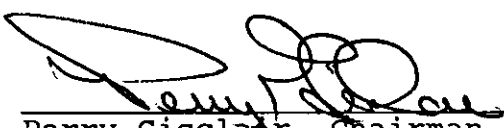
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:698 (August 1990); revised L.R.22:\_\_\_ (\_\_\_ 1996).


LOUISIANA'S NATIONAL HUNTING & FISHING DAY

PROCLAMATION

- WHEREAS,** Louisianans are blessed with an abundance and diversity of game, fish and seafood that hunters, fishermen and commercial industries have long appreciated; and
- WHEREAS,** the State's warm Gulf waters and fertile estuarine systems are home to more than 100 commercially valuable seafood species unmatched anywhere else in the nation making Louisiana the nation's second largest producer of fisheries products with more than one billion pounds landed annually for a dockside value of more than \$280 million; and
- WHEREAS,** in Louisiana, more than 55,000 people directly employed in harvesting, processing, wholesaling and distribution of Louisiana seafood, including in-direct employment in the seafood industry increases to 90,000 individuals, and
- WHEREAS,** the fish and wildlife industries contribute approximately \$2 billion to the State's economy; and
- WHEREAS,** during the past half century, hunters and anglers have contributed more than \$12 billion to conservation programs through license fees and self-imposed excise taxes, currently providing \$3 million a day for conservation purposes; and
- WHEREAS,** half of the people in the United States, sixteen years old and older enjoy some type of fish or wildlife related activity, adding more than \$59 billion to local, state and national economies; and
- WHEREAS,** more than one million anglers in the state spend more than \$2,750,000 annually and in total, a direct expenditure of \$686 million in pursuit of their sport, making fishing one of the largest industries in the state; and
- WHEREAS,** a national recreation survey by the Department of Interior's Fish and Wildlife Service indicated that 56% of all Louisianans participate in some type of fishing or wildlife related activity.

**NOW, THEREFORE,** the Louisiana Wildlife and Fisheries Commission hereby proclaims September 23, 1995, as Louisiana's National Hunting and Fishing Day. The Commission urges all citizens to join with the sportsmen-conservationists and commercial industries in a rededication to the wise use of our natural resources and their proper management for the benefit of future generations and urges all its citizens to take part to learn more about conservation and outdoor skills.

  
Perry Gisclair, Chairman  
Louisiana Wildlife & Fisheries  
Commission

  
Joe L. Herring, Secretary  
Louisiana Department of Wildlife  
& Fisheries

LOUISIANA'S NATIONAL HUNTING & FISHING DAY

PROCLAMATION

- WHEREAS,** Louisianans are blessed with an abundance and diversity of game, fish and seafood that hunters, fishermen and commercial industries have long appreciated; and
- WHEREAS,** the State's warm Gulf waters and fertile estuarine systems are home to more than 100 commercially valuable seafood species unmatched anywhere else in the nation making Louisiana the nation's second largest producer of fisheries products with more than one billion pounds landed annually for a dockside value of more than \$280 million; and
- WHEREAS,** in Louisiana, more than 55,000 people directly employed in harvesting, processing, wholesaling and distribution of Louisiana seafood, including in-direct employment in the seafood industry increases to 90,000 individuals, and
- WHEREAS,** the fish and wildlife industries contribute approximately \$2 billion to the State's economy; and
- WHEREAS,** during the past half century, hunters and anglers have contributed more than \$12 billion to conservation programs through license fees and self-imposed excise taxes, currently providing \$3 million a day for conservation purposes; and
- WHEREAS,** half of the people in the United States, sixteen years old and older enjoy some type of fish or wildlife related activity, adding more than \$59 billion to local, state and national economies; and
- WHEREAS,** more than one million anglers in the state spend more than \$2,750,000 annually and in total, a direct expenditure of \$686 million in pursuit of their sport, making fishing one of the largest industries in the state; and
- WHEREAS,** a national recreation survey by the Department of Interior's Fish and Wildlife Service indicated that 56% of all Louisianans participate in some type of fishing or wildlife related activity.
- NOW, THEREFORE,** the Louisiana Wildlife and Fisheries Commission hereby proclaims September 23, 1995, as Louisiana's National Hunting and Fishing Day. The Commission urges all citizens to join with the sportsmen-conservationists and commercial industries in a rededication to the wise use of our natural resources and their proper management for the benefit of future generations and urges all its citizens to take part to learn more about conservation and outdoor skills.

---

Perry Gisclair, Chairman  
Louisiana Wildlife & Fisheries  
Commission

---

Joe L. Herring, Secretary  
Louisiana Department of Wildlife  
& Fisheries

# December 1995

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



## Traveling Photo Exhibit

Top photographs from hundreds of entries by professional photographers, members of the Outdoor Writers Association of America (OWAA), are selected by a panel of expert judges for each year's traveling show.

Six identical exhibits appear throughout the year at nature centers, sportsmen's shows, libraries, art galleries, universities, museums, symposiums, festivals, aquariums and conventions.

The exhibit includes a wide variety of photos, from bear cubs, albino fawns and pelicans to the serenity of a mountain landscape.

We hope this exhibit will encourage you to experience, enjoy, protect and preserve the great outdoors.

## COLOR

### Scenic

- 1st: *Fallen Aspen Leaves in Scream*, Bob Rozinski, Denver, Colo.
- 2nd: *Dogwood Tree in Autumn*, Derrick Hamrick, Raleigh, N.C.
- 3rd: *Rocky Mountain High*, Bill Lea, Franklin, N.C.
- HM: *Golden Light*, Steve Bly, Boise, Idaho.
- HM: *Spring Marsh*, Steve Bly, Boise, Idaho.
- HM: *Reflection*, Jeff Vanuga, Dubois, Wyo.

### Flora

- 1st: *Bearberry Plants in Fall*, Bob Rozinski, Denver, Colo.
- 2nd: *Landing Pad*, Bill Lea, Franklin, N.C.
- 3rd: *Jewel Weed*, Derrick Hamrick, Raleigh, N.C.
- HM: *Under the Mayapple*, Mike Blair, Pratt, Kans.
- HM: *Oyster Plant Seedheads at Sunset*, Bill Marchel, Brainerd, MN.

### Action

- 1st: *Salmon-Chanted Evening*, Mark J. Thomas, Pembroke Pines, Fla.
- 2nd: *Mousing Coyote*, Chase Swift, Los Angeles, Calif.
- 3rd: *Nordic Racers*, George R. Cassidy, Oconomowoc, Wis.
- HM: *Snowy Egret*, Susan Day, Alma, Ill.
- HM: *Pelican Party*, George Harrison, Hubertus, Wis.
- HM: *Wood Duck in Autumn*, Ron Spomer, Troy, Idaho.
- HM: *Overhead Passage*, Doug Stamm, Sauk City, Wis.

### People

- 1st: *Up to His Neck*, Derrick Hamrick, Raleigh, N.C.
- 2nd: *Girl Enjoying Toad in Hands*, Bob Rozinski, Denver, Colo.
- 3rd: *Mr. McGregor & Friends*, Gary Kramer, Willows, Calif.
- HM: *Yukon Afterglow*, Dan Bertalan, East Lansing, Mich.
- HM: *Wildlife Watchers*, George Harrison, Hubertus, Wis.
- HM: *Big Snook*, Robin Smilie, Stuart, Fla.
- HM: *Serious Business*, Dale Spartas, Bozeman, Mont.

### Fauna

- 1st: *Robin with Rosehips*, Steve Maslowski, Cincinnati, Ohio.
- 2nd: *Calliope Hummer*, Tom Ulrich, West Glacier, Mont.
- 3rd: *Checkmate!*, Doug Stamm, Sauk City, Wis.
- HM: *Mr. Majestic*, Gary Kramer, Willows, Calif.
- HM: *Here's Looking at You*, Bill Lea, Franklin, N.C.
- HM: *Jaguar & Reflection*, Wendy Shattil, Denver, Colo.
- HM: *Twin Albino White-tail Fawns*, Richard P. Smith, Marquette, Mich.
- HM: *Wood Duck in Autumn*, Ron Spomer, Troy, Idaho.

## BLACK-AND-WHITE

### Scenic

- 1st: *In Elk Territory*, Jon Blumb, Lawrence, Kans.
- 2nd: *Take a Friend Fishing*, Dave Carlson, Muskegon, Mich.
- 3rd: *Sagamore*, Raymond Hrynyk, Syracuse, N.Y.

### Flora

- HM: *Colorado Sage & Wildflower Prairie*, Jon Blumb, Lawrence, Kans.
- HM: *Alpine Sunflowers*, Donna Dannen, Allenspark, Colo.
- HM: *Pasqueflower Seedhead*, Kent Dannen, Allenspark, Colo.

### Action

- 1st: *Drying Off*, Edwin W. Rood, Slater, Iowa.
- 2nd: *I'll Mother Goose You*, Charlie Heidecker, Coopersburg, Pa.
- 3rd: *Sled Team*, Kent Dannen, Allenspark, Colo.
- HM: *Beagle in Action*, Jon Blumb, Lawrence, Kans.
- HM: *Golden Entry*, Kent Dannen, Allenspark, Colo.

### People

- 1st: *Child with Bird*, Gordon Charles, Traverse City, Mich.
- 2nd: *Caring-Nature*, Dennis Aprill, Schuyler Falls, M.Y.
- 3rd: *The Sentinel*, Taylor Wilson, Brownsville, Tenn.
- HM: *Coldwater Purist*, Tom Fegely, Coopersburg, Pa.
- HM: *Happy Fisherman*, Neal Mishler, Great Falls, Mont.
- HM: *Girl with Toad—Nose to Nose*, Wendy Shattil, Denver, Colo.

### Fauna

- 1st: *Cottontail Rabbit*, Jon Blumb, Lawrence, Kans.
- 2nd: *Tongue Reach*, Richard P. Smith, Marquette, Mich.
- 3rd: *Coyote*, Raymond Hrynyk, Syracuse, N.Y.
- HM: *Age of Innocence*, Tom Fegely, Coopersburg, Pa.
- HM: *Sentenced Without Trial*, Raymond Hrynyk, Syracuse, N.Y.

OWAA is the voice of the outdoors—an organization of more than 2,000 professional writers, editors, lecturers, photographers, artists, filmmakers and radio and television broadcasters who communicate the outdoor experience to the public. Adhering to the outdoor communicator's creed, OWAA members provide complete and unbiased coverage of outdoor recreation, natural history subjects, environmental issues and outdoor ethics.

If you are interested in information about purchasing any of the photos in the exhibit, contact Outdoor Writers Association of America and you will be put in touch with the photographer.

**Outdoor Writers Association of America, Inc.**  
2017 Cato Ave., Suite 101  
State College, PA 16801-2768  
814-234-1011



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## Winning Photographs from the 1994 Photo Competition



*Drying Off, Edwin W. Rood, Iowa, Black and White, Action.*

Sponsored by

**Outdoor Writers Association of America, Inc.**

in cooperation with

**Nikon Sport Optics**  
Garden City, New York

# 11th Annual Louisiana National Hunting & Fishing Day



## PARTICIPATION ACTIVITIES

(Instructors Present)

Canoeing, Fishing Clinic, Shooting (BB, Skeet, Muzzleloading and Black Powder), Archery, Duck & Goose Calling Clinic, Duck Calling Contest, Boating Education, Bait Casting and Nature Trail



## KID'S FISHING CONTEST

12 years and under, (bait furnished, limited poles available, 9 a.m. to 12 p.m.)

Official Rubbermaid  
Kid's Casting Contest  
Sponsored by:  
La. B.A.S.S. Federation  
Hosted by:  
Capital City Bassmasters

## EXHIBITS

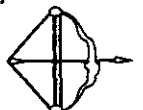
Aquatic Plant Identification (WLF), Artificial Reef Program (WLF), Audubon Society, B.R. Sportsman's League, Coastal Ecology (WLF), Coastal Management (DNR), Commercial Fishing Industry, Dept. of Environmental Quality, Dept. of Natural Resources, Ducks Unlimited, Enforcement Division (WLF), Fisheries Management (WLF), Fur & Refuge Division (WLF), Fur & Alligator Advisory Council (WLF), GCCA, La. Assoc. of Coastal Anglers, La. Hawking Club, La. Nature and Science Center, La. Seafood Promotion Board, (WLF), La. Wildlife Federation, LSU Ag. Center (LCES), LSU Raptor Rehab. Unit, LSU Wildlife Mgmt. Research (Fawns), LUMCON, Nature Conservancy/Black Bear Conservation Committee, Operation Game Thief (WLF), Red Stick Fly Fishers, Tri-Parish Wild Turkey Chapter, U.S. Fish and Wildlife Service (Law Enforcement), Wildlife Division Management & Research (WLF)

## DEMONSTRATIONS

Fly casting & Fly tying, Archery Hunting, Bait Casting & Jig Fishing in 5,000-gal. Aquarium, Retrievers, Firing of Cannon Net, Bobby the Robot Boat, Falconry



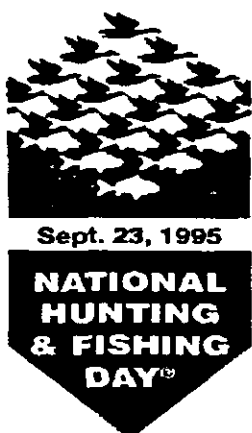
Try free samples of Louisiana-style game and seafood dishes at our tasting booths



Purchase boat registrations, hunting and fishing licenses and the Louisiana Conservationist

Coca-Cola, Snowballs and Ice Cream will be provided. Food will be available.

**ABSOLUTELY NO ALCOHOLIC BEVERAGES ALLOWED**



**Saturday, September 23, 1995**  
**9 a.m. until 3 p.m.**

**Baton Rouge City Police Youth Camp**

**4142 Flannery Road**

**Across from South Central Bell & Victory Bible Church**

For More Information Call 765-2866.



Enjoy Coca Cola

**SCHEDULE FOR FINAL RULES TO BE PUBLISHED IN STATE REGISTER**

<b>SEPT-95</b>	<b>RULE - Bass Regulations - Atchafalaya Basin-Lake Verret Area</b>
	<b>RULE - Bass Regulations - John K. Kelly-Grand Bayou Reservoir</b>
	<b>RULE - Crawfishing Activities on Sherburne WMA</b>
<b>OCT-95</b>	<b>RULE - Daily Take, Possession &amp; Size Limits Set by Commission, Reef Fish</b>
<b>NOV-95</b>	<b>RULE - Trail Rides on WMAs</b>
	<b>RULE - Possession of Potentially Dangerous Wild Quadrupeds</b>
	<b>RULE - Hunting of Turkeys for 1996</b>

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

### Agenda for Wildlife & Fisheries Commission Meeting Revised

#### News Release 95-171A

The agenda for the August meeting of the Louisiana Wildlife and Fisheries Commission has been revised. The public meeting is scheduled for Wednesday, Aug. 9, 1995, at 10 a.m. in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Dr., Baton Rouge.

The revised agenda follows.

1. Roll call.
2. Approval of minutes of July 6, 1995.
3. Contribution by the Louisiana Bass Hatchery for therapeutic drug certification.
4. Shikar Safari International Agent of the Year award.
5. Removal of aircraft report from agenda.
6. Discussion and potential reconsideration of 1995-96 dove season.
7. Status and tentative dates and bag limits for waterfowl (ducks, geese, coots).
8. Shrimp mesh law discussion.
9. Declaration of Emergency: setting 1995 fall inshore shrimp season.
10. Declaration of Emergency: setting 1995-96 oyster season.
11. Declaration of Emergency: rules for taking crabs in Sabine Lake.
12. Declaration(s) of Emergency and Notice(s) of Intent to implement the Louisiana Marine Resources Conservation Act of 1995 (Act 1316), including regulations governing the following:
  - a. Commercial Fisherman's Assistance Program: proof of income and eligibility, schedule of payments for nets.
  - b. Rod and Reel Commercial Gear License: procedures for proof of income and eligibility.
  - c. Gill nets, trammel nets, strike nets, and seines: traverse permit to the exclusive economic zone (EEZ).
  - d. Freshwater commercial gill nets and trammel nets: establishment of a marking system.
  - e. Federal exclusive economic zone (EEZ) regulations governing possession of gill nets, trammel nets, strike nets, or seines; permits, regulation, and enforcement.
  - f. Spotted seatrout: season(s) and entry of commercial fishermen into the fishery.
  - g. Black drum, sheepshead, and flounder: regulations for entry of commercial fishermen into the fishery.
  - h. Mullet: regulations for taking; entry of commercial fishermen into the fishery.
  - i. Any and all regulations necessary or pursuant to the above.
  - j. Any and all other regulations required or authorized by Act 1316 of 1995.
13. Resolution: National Hunting and Fishing Day.
14. Removal of civil restitution and class 1 update from agenda.
15. Enforcement report for July 1995.
16. Secretary's report to the Commission.
17. Set December 1995 meeting date.
18. Public comments.
19. Adjourn. ■

(8/7/95)

Mr. Herring -  
Please approve  
amended agenda.  
Mr. Schneider asked  
for reconsideration  
of dove season be  
added.

Ensan

August 4, 1995

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

public board meeting has been scheduled by  
:00 A.M. on Wednesday, August 9, 1995, in the  
Wildlife and Fisheries Building, 2000 Quail  
A.

1. Roll Call
2. Approval of Minutes of July 6, 1995
3. Contribution by the Louisiana Bass Hatchery for  
Therapeutic Drug Certification
4. Shikar Safari Club International Agent of the Year Award
5. Removal of Aircraft Report from Agenda
6. Discussion and Potential Reconsideration of 1995/96 Dove  
Season
7. Status & Tentative Dates and Bag Limits for Waterfowl  
(Ducks, Geese & Coots)
8. Shrimp Mesh Law Discussion
9. Declaration of Emergency for Setting 1995 Fall Inshore  
Shrimp Season
10. Declaration of Emergency for Setting 1995-96 Oyster  
Season
11. Declaration of Emergency on Rules for Taking Crabs in  
Sabine Lake
12. Declaration(s) of Emergency and Notice(s) of Intent to  
Implement Act 1316, the Louisiana Marine Resources Conservation Act  
of 1995, including but not limited to, regulations governing:
  - a. commercial fisherman's assistance program: proof of  
income and eligibility; schedule of payments for nets.
  - b. rod and reel commercial gear license: procedures  
for proof of income and eligibility.
  - c. gill nets, trammel nets, strike nets and seines;  
traverse permit to EEZ.

d. freshwater commercial gill nets and trammel nets: establishment of a marking system.

e. Federal Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement.

f. spotted seatrout: season(s) and entry of commercial fisherman into the fishery.

g. black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

h. mullet: regulations for taking; entry of commercial fisherman into the fishery.

i. any and all regulations necessary or pursuant to the above.

j. any and all other regulations required or authorized by Act 1316 of 1995.

13. National Hunting & Fishing Day Resolution

14. Removal of Civil Restitution/Class 1 Update from Agenda

15. Enforcement Report/July

16. Secretary's Report to the Commission

17. Set December 1995 Meeting Date

18. Public Comments

19. Adjourn

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

95-171

8/4/95

### AUGUST WILDLIFE & FISHERIES COMMISSION MEETING RE-SCHEDULED

The Louisiana Wildlife and Fisheries Commission has re-scheduled its August meeting for Wednesday, Aug. 9, 1995, at 10 a.m. in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Dr., Baton Rouge.

The meeting was originally planned for Aug. 3 but was postponed due to Hurricane Erin in the Gulf of Mexico. Commission Chairman Perry Gisclair announced the original meeting's cancellation Aug. 2.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of minutes of July 6, 1995.
3. Contribution by the Louisiana Bass Hatchery for therapeutic drug certification.
4. Shikar Safari International Agent of the Year award.
5. Removal of aircraft report from agenda.
6. Status and tentative dates and bag limits for waterfowl (ducks, geese, coots).
7. Shrimp mesh law discussion.
8. Declaration of Emergency: setting 1995 fall inshore shrimp season.
9. Declaration of Emergency: setting 1995-96 oyster season.
10. Declaration of Emergency: rules for taking crabs in Sabine Lake.
11. Declaration(s) of Emergency and Notice(s) of Intent to implement the Louisiana Marine Resources Conservation Act of 1995 (Act 1316), including regulations governing the following:

-over-



commission/add-one

- a. Commercial Fisherman's Assistance Program: proof of income and eligibility, criteria for providing economic assistance, schedule of payments for nets.
  - b. Rod and Reel Commercial Gear License: procedures for proof of income and eligibility.
  - c. Gill nets, trammel nets, strike nets, and seines: traverse permit to the exclusive economic zone (EEZ).
  - d. Freshwater commercial gill nets and trammel nets: establishment of a marking system.
  - e. Federal exclusive economic zone (EEZ) regulations governing possession of gill nets, trammel nets, strike nets, or seines; permits, regulation, and enforcement.
  - f. Spotted seatrout: season(s) and entry of commercial fishermen into the fishery.
  - g. Black drum, sheepshead, and flounder: regulations for entry of commercial fishermen into the fishery.
  - h. Mullet: regulations for taking; entry of commercial fishermen into the fishery; establishment of system for transfer of licenses and permits.
  - i. Pompano in the waters of Breton and Chandeleur Islands: seasons, quotas, size limits.
  - j. Any and all regulations necessary or pursuant to the above.
  - k. Any and all other relations required or authorized by Act 1316 of 1995.
- 12. Resolution: National Hunting and Fishing Day.
  - 13. Removal of civil restitution and class 1 update from agenda.
  - 14. Enforcement report for July 1995.
  - 15. Secretary's report to the Commission.
  - 16. Set December 1995 meeting date.
  - 17. Public comments.
  - 18. Adjourn.

August 2, 1995

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been rescheduled by the Commission for 10:00 A.M. on Wednesday, August 9, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of July 6, 1995
3. Contribution by the Louisiana Bass Hatchery for Therapeutic Drug Certification
4. Shikar Safari Club International Agent of the Year Award
5. Removal of Aircraft Report from Agenda
6. Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots)
7. Shrimp Mesh Law Discussion
8. Declaration of Emergency for Setting 1995 Fall Inshore Shrimp Season
9. Declaration of Emergency for Setting 1995-96 Oyster Season
10. Declaration of Emergency on Rules for Taking Crabs in Sabine Lake
11. Declaration(s) of Emergency and Notice(s) of Intent to Implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including but not limited to, regulations governing:
  - a. commercial fisherman's assistance program: proof of income and eligibility; criteria for providing economic assistance; schedule of payments for nets.
  - b. rod and reel commercial gear license: procedures for proof of income and eligibility.
  - c. gill nets, trammel nets, strike nets and seines; traverse permit to EEZ.
  - d. freshwater commercial gill nets and trammel nets: establishment of a marking system.

e. Federal Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement.

f. spotted seatrout: season(s) and entry of commercial fisherman into the fishery.

g. black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

h. mullet: regulations for taking; entry of commercial fisherman into the fishery; establishment of a system for the transfer of licenses and permits.

i. pompano in the waters of the Breton and Chandeleur Islands: seasons, quotas, size limits.

j. any and all regulations necessary or pursuant to the above.

k. any and all other regulations required or authorized by Act 1316 of 1995.

12. National Hunting & Fishing Day Resolution

13. Civil Restitution/Class 1 Update

14. Enforcement Report/July

15. Secretary's Report to the Commission

16. Set December 1995 Meeting Date

17. Public Comments

18. Adjourn

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

95-162

7/28/95

### AUGUST WILDLIFE & FISHERIES COMMISSION MEETING ANNOUNCED

The Louisiana Wildlife and Fisheries Commission will conduct its next regular meeting at 10 a.m. on Thursday, Aug. 3, 1995, in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Dr., Baton Rouge.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of minutes of July 6, 1995.
3. Contribution by the Louisiana Bass Hatchery for therapeutic drug certification.
4. Shikar Safari International Agent of the Year award.
5. Removal of aircraft report from agenda.
6. Status and tentative dates and bag limits for waterfowl (ducks, geese, coots).
7. Shrimp mesh law discussion.
8. Declaration of Emergency: setting 1995 fall inshore shrimp season.
9. Declaration of Emergency: setting 1995-96 oyster season.
10. Declaration of Emergency: rules for taking crabs in Sabine Lake.
11. Declaration(s) of Emergency and Notice(s) of Intent to implement the Louisiana Marine Resources Conservation Act of 1995 (Act 1316), including regulations governing the following:
  - a. Commercial Fisherman's Assistance Program: proof of income and eligibility, criteria for providing economic assistance, schedule of payments for nets.

-over-

commission/add-one

- b. Rod and Reel Commercial Gear License: procedures for proof of income and eligibility.
  - c. Gill nets, trammel nets, strike nets, and seines: traverse permit to the exclusive economic zone (EEZ).
  - d. Freshwater commercial gill nets and trammel nets: establishment of a marking system.
  - e. Federal exclusive economic zone (EEZ) regulations governing possession of gill nets, trammel nets, strike nets, or seines; permits, regulation, and enforcement.
  - f. Spotted seatrout: season(s) and entry of commercial fishermen into the fishery.
  - g. Black drum, sheepshead, and flounder: regulations for entry of commercial fishermen into the fishery.
  - h. Mullet: regulations for taking; entry of commercial fishermen into the fishery; establishment of system for transfer of licenses and permits.
  - i. Pompano in the waters of Breton and Chandeleur Islands: seasons, quotas, size limits.
  - j. Any and all regulations necessary or pursuant to the above.
  - k. Any and all other relations required or authorized by Act 1316 of 1995.
- 12. Resolution: National Hunting and Fishing Day.
  - 13. Removal of civil restitution and class 1 update from agenda.
  - 14. Enforcement report for July 1995.
  - 15. Secretary's report to the Commission.
  - 16. Set December 1995 meeting date.
  - 17. Public comments.
  - 18. Adjourn.

To <i>Joe Macaluso</i>	From <i>Susan</i>
Co.	Co.
Dept. <i>Draft News Release</i>	Phone #
Fax # <i>for Agenda</i>	Fax #

24, 1995

RELEASE

APPROVED: 

## AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, August 3, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of July 6, 1995
3. Contribution by the Louisiana Bass Hatchery for Therapeutic Drug Certification
4. Shikar Safari Club International Agent of the Year Award
5. Removal of Aircraft Report from Agenda
6. Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots)
7. Shrimp Mesh Law Discussion
8. Declaration of Emergency for Setting 1995 Fall Inshore Shrimp Season
9. Declaration of Emergency for Setting 1995-96 Oyster Season
10. Declaration of Emergency on Rules for Taking Crabs in Sabine Lake
11. Declaration(s) of Emergency and Notice(s) of Intent to Implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including but not limited to, regulations governing:
  - a. commercial fisherman's assistance program: proof of income and eligibility; criteria for providing economic assistance; schedule of payments for nets.
  - b. rod and reel commercial gear license: procedures for proof of income and eligibility.
  - c. gill nets, trammel nets, strike nets and seines; traverse permit to EEZ.
  - d. freshwater commercial gill nets and trammel nets: establishment of a marking system.

e. Federal Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement.

f. spotted seatrout: season(s) and entry of commercial fisherman into the fishery.

g. black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

h. mullet: regulations for taking; entry of commercial fisherman into the fishery; establishment of a system for the transfer of licenses and permits.

i. pompano in the waters of the Breton and Chandeleur Islands: seasons, quotas, size limits.

j. any and all regulations necessary or pursuant to the above.

k. any and all other regulations required or authorized by Act 1316 of 1995.

12. National Hunting & Fishing Day Resolution

13. Civil Restitution/Class 1 Update

14. Enforcement Report/July

15. Secretary's Report to the Commission

16. Set December 1995 Meeting Date

17. Public Comments

18. Adjourn

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

July 21, 1995

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: Joe L. Herring, Secretary  
SUBJECT: August Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, August 3, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following will be on the agenda:

1. Approval of July 6, 1995 Minutes
2. Contribution by the Louisiana Bass Hatchery for Therapeutic Drug Certification
3. Shikar Safari Club International Agent of the Year Award

## LEE CAUBARREUX

4. Removal of Aircraft Report from Agenda
5. Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots)

## GLYNN CARVER

6. Shrimp Mesh Law Discussion

## CORKY PERRET

7. Declaration of Emergency for Setting 1995 Fall Inshore Shrimp Season



8. Declaration of Emergency for Setting 1995-96 Oyster Season

9. Declaration of Emergency on Rules for Taking Crabs in Sabine Lake

DEPARTMENT STAFF

10. Declaration(s) of Emergency and Notice(s) of Intent to Implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including but not limited to, regulations governing:

a. commercial fisherman's assistance program: proof of income and eligibility; criteria for providing economic assistance; schedule of payments for nets.

b. rod and reel commercial gear license: procedures for proof of income and eligibility.

c. gill nets, trammel nets, strike nets and seines; traverse permit to EEZ.

d. freshwater commercial gill nets and trammel nets: establishment of a marking system.

e. Federal Exclusive Economic Zones (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement.

f. spotted seatrout: season(s) and entry of commercial fisherman into the fishery.

g. black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

h. mullet: regulations for taking; entry of commercial fisherman into the fishery; establishment of a system for the transfer of licenses and permits.

i. pompano in the waters of the Breton and Chandeleur Islands: seasons, quotas, size limits.

j. any and all regulations necessary or pursuant to the above.

k. any and all other regulations required or authorized by Act 1316 of 1995.

Page 3  
Commission Meeting  
July 21, 1995

BOB DENNIE

11. National Hunting & Fishing Day Resolution

WYNNETTE KEES

12. Removal of Civil Restitution/Class 1 Update from Agenda

WINTON VIDRINE

13. Enforcement Report/July

JOE HERRING

14. Secretary's Report to the Commission
15. Set December 1995 Meeting Date
16. Public Comments

JLH:sch

C: Clyde Kimball  
Fred Prejean  
Lee Caubarreaux  
Corky Perret  
Don Puckett  
John Medica  
Division Chiefs

Perry Gisclair approved  
agenda w/ corrections made  
7/20/95 - sch

**FAX TRANSMITTAL**

TO: Perry Gisclair  
Chairman  
FAX# \_\_\_\_\_  
FROM Susan Hawkins  
RE: Commission Agenda

The Commissioners, at the July Meeting, voted to change the location of the August Meeting back to Baton Rouge. Please review the attached and let me know if okay. Thanks.

DATE: July 19, 1995  
TIME SENT \_\_\_\_\_  
FOR INFORMATION CALL (504) 765- 2806  
OUR FAX # (504) 765-2607  
PAGES TO FOLLOW 3

MEMORANDUM

TO: Chairman and Members of Commission

FROM: Joe L. Herring, Secretary

SUBJECT: August Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, August 3, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following will be on the agenda:

1. Approval of July 6, 1995 Minutes
2. Contribution by the Louisiana Bass Hatchery for Therapeutic Drug Certification
3. Shikar Safari Club International Agent of the Year Award

LEE CAUBARREAU

4. Removal of Aircraft Report from Agenda
5. Status & Tentative Dates and Bag Limits for Waterfowl (Ducks, Geese & Coots)

GLYNN CARVER

6. Shrimp Mesh Law Discussion

CORKY PERRET

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DEPARTMENT STAFF

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g. black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

h. mullet: regulations for taking; entry of commercial fisherman into the fishery; establishment of a system for the transfer of licenses and permits.

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Page 3  
Commission Meeting

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JLH:sch

C: Clyde Kimball  
Fred Prejean  
Lee Caubarreaux  
Corky Perret  
Don Puckett  
John Medica  
Division Chiefs

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

July 18, 1995

TO: Susan  
FROM: Don  
SUBJ: Act 1316 - Commission Agenda Entry

~~~~~  
Declaration(s) of Emergency and Notice(s) of Intent to implement Act 1316, the Louisiana Marine Resources Conservation Act of 1995, including, but not limited to, regulations governing:

- (1) Commercial fisherman's assistance program: proof of income and eligibility; criteria for providing economic assistance; schedule of payments for nets.
- (2) Rod and reel commercial gear license: procedures for proof of income and eligibility.
- (3) Gill nets, trammel nets, strike nets and seines; traverse permit to EEZ.
- (4) Freshwater commercial gill nets and trammel nets: establishment of a marking system.
- (5) Federal Exclusive Economic Zone (EEZ) regulation governing possession of gill nets, trammel nets, strike nets or seines; permits, regulation and enforcement.
- (6) Spotted sea trout: season(s) and entry of commercial fisherman into the fishery.

July 18, 1995

Page 2

(7) Black drum, sheepshead and flounder: regulations for the entry of commercial fisherman into the fishery.

(8) Mullet: regulations for taking; entry of commercial fisherman into the fishery; establishment of a system for the transfer of licenses and permits.

(9) Pompano in the waters of the Breton and Chandeleur Islands: seasons, quotas, size limits.

(10) Any and all regulations necessary or pursuant to the above.

(11) Any and all other regulations required or authorized by Act 1316 of 1995.

Please circulate this to affected divisions and solicit comments.



# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

July 6, 1995

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary *[Signature]*

SUBJECT: Commission Meeting Agenda - August 3, 1995

Please write on the bottom of this memo and return to Susan Hawkins by Monday, July 17th any agenda items your office may have for the Thursday, August 3rd Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on August 3rd. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JLH/sch

cc: Commissioners  
Don Puckett  
Bob Dennie ✓  
Winton Vidrine  
Hugh Bateman  
Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*Bob D - no*  
*Al C - no*  
*Bob P -*  
*Maurice - no*

JUL-15-1995 01:58

# State of Louisiana



Wildlife and Fisheries Commission

Glynn Carver  
Member  
Route 1, Box 693  
Many, LA 71449  
(318)256-5611

Glynn Carver

1.) Shrimp Mesh  
Law Discussion

July 14, 1995

Dear Mr. Herring:

I would like this to appear on the August agenda. If you have any questions, please give me a call.

Sincerely,

*Glynn Carver*  
Glynn Carver

Copies to:

1. Susan Hawkins ✓
  2. Don Pickett
  3. Coby Perret
  4. Wm. V. Brown
  5. John Brown
  6. Charlie Clark
- John Brown*



RANDY ROACH  
DISTRICT 36

STATE OF LOUISIANA  
HOUSE OF REPRESENTATIVES

P.O. BOX 4983  
LAKE CHARLES, LOUISIANA 70606  
1-800-259-4443  
LINC 475-8092  
LAKE CHARLES OFFICE (318) 478-8551  
CAMERON OFFICE (318) 542-4443  
FAX L.C. OFFICE (318) 478-5250  
FAX CAMERON OFFICE (318) 542-4696

NATURAL RESOURCES  
WAYS & MEANS

July 13, 1995

Mr. Joe L. Herring, Secretary  
La. Dept. Wildlife & Fisheries  
P. O. Box 98000  
Baton Rouge, La. 70898-9000

Re: 1-1/2 Inch Mesh Law For Fall In-Shore Shrimp Season

Dear Mr. Herring:

In 1993 the legislature adopted a recommendation from the Shrimp Task Force that the mesh size for the in-land fall shrimp season be increased to 1-1/2 inches. The effective date for this change is the 1995 fall shrimp season.

Many shrimpers are attempting to comply with this new requirement. However, many shrimpers are now discovering that the new net measures 1-1/2 inches and after it has been dipped it measures 1-3/8 inches. Attached is a letter that explains the nature of the problem.

It appears that there may very well be an enforcement problem regarding this new law. Since the 1995 fall in-shore season will be the first time that we implement this new provision, I am asking that you discuss this matter with law enforcement at your August Commission meeting. It would appear that a 1/8 inch tolerance should be adopted so that no ticket be issued unless the mesh size exceed less than 1-3/8 inches.

I know that this conservation measure will benefit the shrimp industry over the long run. I just feel that it is important we exercise some "common sense" when we implement it. The way in which we handle this change in the law will undoubtedly affect our ability to adopt and enact other conservation measures in other areas in the future.

Thank you for your consideration. If you have any questions please do not hesitate to contact me.

With best regards,

Sincerely yours,

RANDALL E. ROACH

RER/gg  
Enclosure

JUL 14 95



RANDY ROACH  
DISTRICT 36

STATE OF LOUISIANA  
HOUSE OF REPRESENTATIVES

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NATURAL RESOURCES  
WAYS & MEANS

July 13, 1995

Mr. Glynn Carver  
Rt. 1 Box 693  
Many, La. 71449

Re: 1-1/2 Inch Mesh Law For Fall In-Shore Shrimp Season

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Thank you for your consideration. If you have any questions please do not hesitate to contact me.

With best regards,

Sincerely yours,

A handwritten signature in cursive script that reads "Randall E. Roach".

RANDALL E. ROACH

RER/gg  
Enclosure

July 13, 1995

**TO: Representative Randy Roach**

**RE: One and One Half Inch Webbing Law which comes into effect this fall on all Inshore waters**

A few aspects worthy of attention:

1. American made Webbing

There are very few places left that build webbing, this webbing cost anywhere from .90 to 1.20 per pound more than foreign webbing, and many net shops say that the quality of some of this webbing is not very good.

2. Foreign Webbing from Mexico and Taiwan

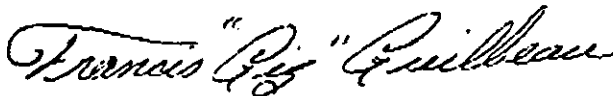
This webbing is being used by most net shops and suppliers because of cost and quality.

A fishermen purchasing a 1½" mesh netting from a net shop or supplier have been running into a problem which could cause these fishermen to get a citation. This webbing measures 1 1/2" to 1 9/16" inches before it is dipped once the nets are built and they are dipped they measure 1 3/8" to 1 1/2" depending on how much dip these nets take in.

I just purchased a bail of webbing from a supplier in Delcambre. This webbing measures 1½" before it was dipped once the nets were built and dipped they measured 1 3/8" from the inside of one knot to the outside of the next knot. In talking to many fishermen whom have purchased ready built nets which cost them a lot of money and some who have purchased webbing and built there on nets have seen this same problem.

We are asking you to please contact some one with Wildlife and Fisheries and see what can be done to prevent us from getting a citation and possibly losing our nets, which cost a lot of money regardless if we build our own nets or get them built by a supplier.

Thank You,



Francis "Giz" Guilbeau  
Chairman  
Cameron Parish Shrimp Task Force

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

July 5, 1995

Representative Randall E. Roach  
P.O. Box 4983  
Lake Charles, LA 70606

Dear Rep. *Roach* Roach:

The Department of Wildlife and Fisheries will certainly make every effort to comply with HCR 95. As you are aware the Commission enacted temporary rules for Sabine Lake during the 1994 shrimp season in an effort to address this problem. It was the opinion of both the Marine Fisheries and Enforcement Division personnel that those rules were ineffective. Observations by Department personnel revealed that there were only two boats fishing shrimp in the Lake during the restricted period. We realize that to those two fishermen the traps represent a problem, however to many it may not seem reasonable to restrict another fishery to accommodate so few.

Marine Fisheries personnel have been made aware of the request to establish rules as outlined in HCR 95 and have begun to develop some ideas. We will be considering options to accomplish the intent of the resolution and will present our findings to the Commission as soon as possible. Due to time constraints we will not be able to discuss possible rules at the July Commission meeting, but will hopefully be able to put this issue on the August 1995 agenda. If reasonable regulations can be developed before this meeting, the Commission could vote to establish such regulations in time for the 1995 Fall Inshore Shrimp Season.

*Copy to Susan Hamilton ✓*  
*[Signature]*

An Equal Opportunity Employer

In regard to the new law requiring 1 1/2" mesh for the fall season, be advised that we will be issuing a news release soon to advise fishermen of the impending regulation. Any news release which might come out too early might confuse fishermen about the mesh requirements for the remainder of the spring season.

Thanks for your continued assistance.

Sincerely,



William S. "Corky" Perret

WSP:LBS:bs

cc: ✓ Joe Herring  
Brandt Savoie  
Commission Members

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

July 6, 1995

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary *[Signature]*

SUBJECT: Commission Meeting Agenda - August 3, 1995

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Winton Vidrine  
Hugh Bateman ✓  
Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*August Comm Meeting  
Wildlife Div. Items*

*1 - ~~Ratification - Crawfish~~ ~~Rates~~ ~~Shadroe~~  
~~WMA~~ ~~F. Puckett~~*

*~~Emergency Notice~~ ~~Waterfowl~~ ~~(Ducks, Geese)~~  
~~4 Coos hunting season dates and bag limits~~  
~~STATUS TENTATIVE, SEASO DATES and BAG limits for waterfowl~~  
~~(Ducks, Geese & Coos) - R. Helms and~~  
~~D. Morrison~~*



# State of Louisiana



Joe L. Herring  
Secretary

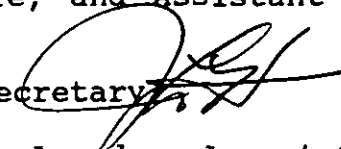
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Governor

July 6, 1995

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary 

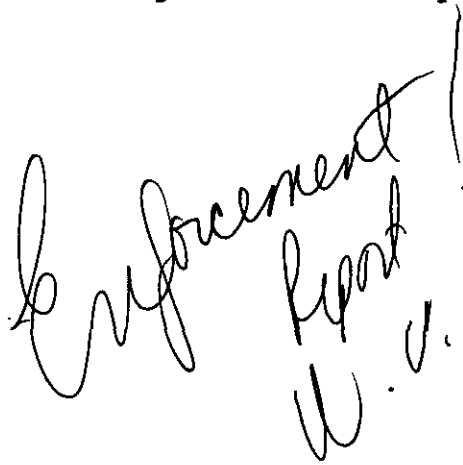
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# State of Louisiana



Joe L. Herring  
Secretary

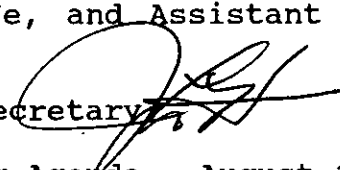
Department of Wildlife and Fisheries  
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Edwin W. Edwards  
Governor

July 6, 1995

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FROM: Joe L. Herring, Secretary 

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